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B I L L S,

PUBLIC:

SIX VOLUMES.

—*(4.)*—

MARRIAGE LAW AMENDMENT

TO

NUISANCES REMOVAL, &c., AND POLICE OF TOWNS (SCOTLAND).

Session

12 *December* 1854 —— 14 *August* 1855.

VOL. IV.

1854-5.

BILLS:

1854-5.

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14 *March* 1855. 18 Vict.

A

B I L L

TO

Amend the Law as to Marriage with a deceased Wife's Sister or a deceased Wife's Niece.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend the Law as to Marriage with a deceased Wife's Sister or a deceased Wife's Niece: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Repeal of Statutory Prohibition of Marriage with a deceased Wife's Sister or Niece.

I. So much of any Acts or Act of Parliament as renders void or voidable any Marriage celebrated between a Man and his deceased Wife's Sister or deceased Wife's Niece is hereby repealed.

Such Marriages before the passing of this Act not to be void or voidable.

II. No Marriage which has been or shall be celebrated at any Time or Place whatever between a Man and his deceased Wife's Sister or deceased Wife's Niece shall hereafter be void or voidable by reason only of the Affinity of the Parties thereto, or on account of any Canonical or other Objection or Impediment (founded only on such Affinity as aforesaid) to the Validity of such Marriage or to the Celebration thereof, or to the Validity of any Licence or Certificate under which the same may have been celebrated.

III. Pro-

Excepted Cases.

III. Provided always, That nothing herein-before contained shall render valid or affect any Marriage or any Ceremony of Marriage where before the *passing of this Act* the same has been anulled or pronounced void by legal Decision, or where either of the Parties thereto has subsequently, but before the *passing of this Act*, intermarried with any other Person, or where, by Verdict, Judgment, Decree, or Sentence in some Action, Suit, or Proceeding, Civil or Criminal, either in the Ecclesiastical Courts or any of Her Majesty's Superior Courts, the Husband shall in the Lifetime of his said deceased Wife have been found or pronounced guilty of Adultery with the other Party to such Marriage or Ceremony of Marriage, but in every such Case the Marriage or Ceremony of Marriage shall be absolutely null and void to all Intents and Purposes whatsoever.

Provision for vested Rights.

IV. Provided also, That nothing herein contained shall invalidate, alter, or affect any Right to any Title of Honour, or any Right or Interest to or in any Estate or Effects, Real or Personal, which Title, Estate, or Effects may before the *passing of this Act* have become, by reason of the Invalidity of any Marriage between a Man and his deceased Wife's Sister or deceased Wife's Niece, vested in Enjoyment or Possession in any Person or Persons whomsoever, nor shall anything herein contained invalidate, alter, or affect any Act or Thing done before the *passing of this Act* under the Authority of any Court, or in the Administration of any Estate or Effects, Real or Personal, or in the Execution of any Will, or in the Performance of any Trust.

Protection to Parties and others.

V. Neither of the Parties to any Marriage between a Man and his deceased Wife's Sister or deceased Wife's Niece, nor any Person celebrating or granting a Licence or Certificate for celebrating any such Marriage, shall by reason of the Affinity between the Parties thereto be liable to any Action, Suit, Censure, or Punishment.

Indemnity to Clergymen and others.

VI. No Person refusing to celebrate or to grant a Licence or Certificate for celebrating any Marriage between a Man and his deceased Wife's Sister or deceased Wife's Niece shall by reason of such Refusal be liable to any Action, Suit, Censure, or Punishment.

Extent of Act.

VII. This Act shall not extend to Scotland.

Marriage Law Amendment.

A

B I L L

To amend the Law as to Marriage with a deceased Wife's Sister or a deceased Wife's Niece.

(*Prepared and brought in by Mr. Heywood and Mr. Headlam.*)

Ordered, by The House of Commons, *to be Printed,* 14 *March* 1855.

[Bill 56.]

Under 1 *oz.*

26 *March* 1855. 18 VICT.

(Scotland.)

A

BILL

TO

Impose further Restrictions upon irregular Marriages in Scotland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble.

WHEREAS great Evils have arisen from the Practice of Persons resorting to that Part of the United Kingdom called Scotland for the Purpose of there contracting irregular Marriages: And whereas such Marriages though valid are prohibited by the Law of Scotland, and render the Parties contracting them liable to Penalties, but the Penalties have not been found sufficient to prevent the Recurrence of such Practices: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Penalty on Persons marrying in Scotland contrary to Law.

I. From and after the *passing of this Act*, if any Man and Woman shall in Scotland make any Declaration or Promise intended by them to constitute an immediate actual Marriage, or shall go through any Form or do any Act with the like Intent, not being a public regular Marriage according to the Law of Scotland, thereupon they shall each of them be liable to forfeit *Ten Pounds* upon Conviction either before the Sheriff or a Justice of the Peace having Jurisdiction in the Place where the said Declaration or Promise was made or the said Act or Form was done or celebrated, or before a Justice of the Peace having Jurisdiction in the Place where the said Man or Woman was usually resident

resident at the Time when the said Marriage was effected or intended to be effected, and in default of Payment shall be liable to be imprisoned for any Period not exceeding *One Calendar Month.*

Penalty on Persons receiving Money for acting as Witnesses to such Marriages.

II. If any Person shall receive any Sum of Money or valuable Consideration whatever for or in respect of such Person having acted as a Witness to any irregular Marriage in Scotland, or having given any Certificate or done any Act to give effect to or perpetuate the Memory of any irregular Marriage, then such Person shall be liable for the First Offence to forfeit the Sum of *Ten Pounds*, and in default of Payment shall be liable to be imprisoned for any Term not exceeding *One Calendar Month*, and for the Second and any subsequent Offence shall be liable to forfeit the Sum of *Fifty Pounds*, and in default of Payment to be imprisoned for the Term of *Six* Calendar Months, with Hard Labour.

Marriages.

(Scotland.)

A

BILL

To impose further Restrictions upon irregular Marriages in Scotland.

(*Prepared and brought in by Mr. Headlam, Lord Lovaine, and Mr. Dunlop.*)

Ordered, by The House of Commons, *to be Printed,*
26 *March* 1855.

[Bill 64.]

Under 1 *oz.*

A

B I L L

TO

Alter and amend the Laws regulating the Medical Profession.

WHEREAS it is expedient to amend the Laws relating to the Medical Profession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Medical Act, 1855." Short Title.

II. This Act shall commence and take effect from the *First Day of August One thousand eight hundred and fifty-five.* Commencement of Act.

III. From and after the *Commencement of this Act*, the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, shall be repealed, except as to the Repeal of Acts.

Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Interpretation.

IV. The following Terms and Expressions used in this Act are intended to have the Meanings hereby assigned respectively, as far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; that is to say, the Word "Medicine" to include Pharmacy, and the Word "Surgery" to include Midwifery.

Medical Council.

V. A Council shall be established, which shall be styled "The Medical Council," and shall consist of *One* Physician and *One* Surgeon to be chosen from Time to Time by the Colleges of Physicians and Surgeons of England respectively, *One* Physician and *One* Surgeon to be chosen from Time to Time by the Colleges of Physicians and Surgeons of Edinburgh respectively, *One* Physician or *One* Surgeon to be chosen from Time to Time by the Faculty of Physicians and Surgeons of Glasgow, *One* Physician and *One* Surgeon to be chosen from Time to Time by the Colleges of Physicians and Surgeons of Ireland respectively, *One* Person to be chosen from Time to Time by the Universities of Oxford and Cambridge collectively, *One* Person to be chosen from Time to Time by the University of London, *One* Person to be chosen from Time to Time by the Universities of Edinburgh, Glasgow, Aberdeen, and St. Andrew's collectively, *One* Person to be chosen by the University of Dublin and the Queen's University in Ireland collectively, each of such Persons so chosen by the said Universities to be qualified to be registered under this Act, and *Eight* Persons to be elected as herein-after provided, and herein-after called "The Representative Members," the first of each of the said Appointments by the said Colleges and the said Universities to be made within *Three* Months after the passing of this Act.

Tenure of Office by Members chosen by the Colleges.

VI. Every Member of the Medical Council chosen by the said several Colleges of Physicians and Surgeons, by the said Faculty, and the said Universities shall be entitled to hold Office for *Three* Years, and shall then go out of Office, but may forthwith be re-chosen.

Appointment of Members of First Council.

VII. The Secretary of State for the Home Department shall, within *Three* Months after the passing of this Act, appoint *Eight* Persons qualified to be registered under this Act to be the *Eight* Members of the First Medical Council not chosen by the said several Colleges of Physicians and Surgeons, or by the said Faculty, or by the said Universities, *Four* of such Persons to be appointed for England, *Two* for Scotland, and *Two* for Ireland; and the said *Eight* Members of the First Medical Council shall hold Office till the *First Day of June One thousand eight hundred and fifty-six*, and shall then go out of Office.

VIII. On

Election of Representative Members.

VIII. On the *First Day of June One thousand eight hundred and fifty-six*, and on the *First Day of June* in every Third succeeding Year, the *Eight* Representative Members of the Medical Council shall be elected in the Manner herein-after provided; *Four* of such Representative Members to be elected by those Persons whose Names shall appear in the last printed Medical Register, to be published as herein-after provided, as registered for England; *Two* of such Representative Members to be elected by those Persons whose Names shall appear in the like Medical Register as registered for Scotland; and *Two* of such Representative Members to be elected by those Persons whose Names shall appear in the like Medical Register as registered for Ireland; and each of the said Representative Members shall remain in Office for *Three* Years, and shall then go out of Office, but may forthwith be re-elected.

Candidates for Council to be nominated.

IX. At any Time not less than *Forty* clear Days next previous to the Day of every Election of Representative Members of the Medical Council for England, Scotland, or Ireland respectively, any Person entitled to vote at such Election may give or transmit to the Medical Registrar to be appointed as herein-after provided a Paper, according to the Form in Schedule (B.) No. 1, signed by not less than *Twenty* Persons entitled to vote at such Election, containing the Name of any Person registered under this Act they may think fit to be elected as a Representative Member at the then ensuing Election; and the Medical Registrar shall cause all such Names so given or transmitted for England, Scotland, or Ireland respectively to be printed, together with the Names of the Persons recommending the same, and shall also cause the Names of the Representative Members for England, Scotland, or Ireland respectively then going out of Office to be printed, in the respective Voting Papers to be used at the said Election; and such Persons so nominated shall be the only Persons eligible to be elected Representative Members for England, Scotland, or Ireland respectively, on the Day of Election.

Place of Election.

X. Every Election of Representative Members shall be held at the Office of the Medical Registrar, or at such other Place as the Medical Council shall appoint; and the Medical Registrar shall give public Notice of the Time and Place for the holding of such Election by Advertisement in *Two* or more Newspapers published in London, Edinburgh, and Dublin, *Ten* Days at least before such Election.

Method of voting at Elections.

XI. Every Election of Representative Members shall be held before the Medical Registrar, and the voting at every such Election shall commence at *Nine* of the Clock of the Forenoon, and shall finally close at *Four* of the Clock of the Afternoon of the same Day; and every Person entitled to vote may in England vote for any Number of Persons not exceeding *Four*, and may in Scotland and Ireland vote for any Number

of Persons not exceeding *Two*, by delivering to the Medical Rsgistrar or his Deputy a Voting Paper, according to the Form in Schedule (B.) No. 2, containing the Names of the Persons for whom he votes; or if the Voter shall think fit to transmit the said Voting Paper by Post, the Postage being prepaid, then the said Voting Paper shall be enclosed in a Declaration, according to the Form in Schedule (B.) No. 3, signed by the Voter so transmitting the same; and the Medical Registrar shall transmit by Post to every Person entitled to vote at such Election, *Fourteen* Days at least before the Day of Election, One Voting Paper as aforesaid and One Declaration as aforesaid; and no Voting Paper other than the One procured from the Medical Registrar, so executed as aforesaid and delivered to the Medical Registrar or his Deputy by the Person voting, or transmitted by the Post, as aforesaid, to the Medical Registrar or his Deputy, enclosed in a Declaration as aforesaid, and received by the Medical Registrar or his Deputy on the Day of Election before *Four* of the Clock of the Afternoon, shall be counted a good and valid Vote.

Result of Election, how to be declared.

XII. The Medical Registrar shall after the Close of the Polling Day for every Election of Representative Members proceed to examine the Voting Papers so delivered or transmitted as aforesaid, for the Purpose of ascertaining which Persons are elected; and the *Four* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in England shall be the Representative Members elected for England, and the *Two* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in Scotland shall be the Representative Members elected for Scotland, and the *Two* Persons to whom the greatest Number of Votes shall have been given by Persons qualified to vote in Ireland shall be the Representative Members elected for Ireland; and in case of an Equality in the Number of Votes for any Two or more Persons for England, Scotland, or Ireland respectively, at any such Election, the Medical Registrar shall ballot out of the said Number of Persons having such equal Number of Votes so many as shall be necessary to complete the whole Number of Members to be elected, and such Persons whose Names shall have been drawn at such Ballot, together with such Persons as shall have had the greatest Number of Votes for England, Scotland, and Ireland respectively, shall be declared by the Medical Registrar to be duly elected the Representative Members for England, Scotland, and Ireland respectively, and the Names of the Persons so elected shall be published in Two or more Newspapers published in London, Edinburgh, and Dublin, not later than *Fourteen* Days after such Election.

Council to appoint Two Members to

XIII. The Medical Council shall, before the Day of any Election of Representative Members, appoint Two Members of the Medical Council,

Council, not being any of the Representative Members, who shall be present during the Polling Day, and during the Examination of the Voting Papers and the Ballot by the Medical Registrar, and who shall, at the Close of such Election, certify that it has been fairly conducted according to the Provisions of this Act, and sign the Return made and to be published by the Medical Registrar. superintend Election.

XIV. In the event of any one of the Representative Members dying, or resigning, or becoming incapable to discharge his Duties during the Term for which he holds Office, the Medical Council shall appoint a fit and proper Person being registered under this Act for England, Scotland, or Ireland, as the Case may be, to fill the Place of the Representative Member so dying, resigning, or becoming incapable to discharge his Duties. Appointment of Members in event of Vacancy.

XV. There shall be paid to the Members of the Medical Council such Fees for Attendance and such reasonable Travelling Expenses as shall from Time to Time be allowed by the Medical Council, and be approved by the said Secretary of State. Fees.

XVI. The Medical Council shall be holden in such Places and at such Times as the said Secretary of State shall appoint, and shall elect One of their Members to be their President, and at every Meeting in the Absence of the President some other Member to be chosen from the Members then present shall act as President; and all Acts of the Medical Council shall be decided by the Votes of the Majority of the Members present at any Meeting, the whole Number not being less than *Six;* and at all such Meetings the President for the Time being shall in addition to his Vote have a casting Vote in case of an Equality of Votes. Time and Place of Meeting.

XVII. The Medical Council shall appoint a Treasurer and Secretary, and so many Clerks and Servants as shall be necessary for the Purposes of this Act; and every Person so appointed shall be removeable at the Pleasure of the Medical Council, and shall be paid such Salary as the Medical Council shall think fit. Appointment of Treasurer, Secretary, and Servants.

XVIII. The Medical Council shall, within *Three* Months after their First Meeting, appoint Examiners in London, Edinburgh, and Dublin respectively to examine in Classics, the Exact Sciences, and General Literature, after a Scheme to be approved by the Medical Council; and such Examiners shall receive such Remuneration as the Medical Council shall think fit, and shall hold Office for such Period as the Medical Council shall determine; and no Person, other than a Graduate in some University of the United Kingdom, or in some Foreign University Preliminary Examination in Classics.

versity approved by the Medical Council, shall be entitled to present himself before any College, for the Purpose of obtaining Letters Testimonial as herein-after provided, unless he shall have received a Certificate according to the Form in the Schedule (F.) signed by some One or more of the said Examiners, for which Certificate the Person receiving it shall pay a Fee of *Two Pounds;* and all Monies received by the said Examiners shall be paid to the Treasurer of the Medical Council.

Appointment of Registrar.

XIX. The said Secretary of State shall, within *One Month* after the passing of this Act, appoint a fit and proper Person to be "The Medical Registrar," and shall also appoint such Clerks and other Officers as the said Secretary of State shall deem necessary for the Assistance of the Medical Registrar; and the said Secretary of State shall, at his Discretion, remove any of the Persons so appointed, and upon any Vacancy shall appoint another fit and proper Person to be the Medical Registrar, or such Clerk or Officer; and the Salaries of the Medical Registrar and of such Clerks and Officers shall be fixed from Time to Time by the said Secretary of State, and shall be paid, together with all reasonable Expenses incurred by the Medical Registrar in the Execution of his Duties under this Act, by the Treasurer of the Medical Council, out of the Monies received by the said Treasurer by virtue of this Act.

Registration of Persons in Practice before the *First* Day of *November One thousand eight hundred and fifty-five.*

XX. The Medical Registrar shall, within *Thirty* Days after his Appointment, and shall from Time to Time till the *First* Day of *November* One thousand eight hundred and fifty-*five*, proceed to register in Books to be kept for that Purpose, to be called "The Physicians Register, 1855," on Payment of a Fee of *Twenty Shillings*, the Name and Place of Abode, together with a Description of the Testimonials, of every Physician who shall apply to be registered, and who shall at the Time of such Application be of at least *Twenty-four* Years of Age, and who, prior to the *First* Day of *May* One thousand eight hundred and fifty-*five*, shall have taken a Degree in Medicine in any English, Irish, or Scotch University, or who shall produce his Diploma or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the said Medical Registrar, of his having obtained a Diploma or Licence to practise as a Physician, dated prior to the said *First* Day of *November* One thousand eight hundred and fifty-*five*, and granted by any of the English, Irish, or Scotch Colleges or Corporations enumerated in Schedule (C.) to this Act No. 1.; and the said Medical Registrar shall also, within the said Period of *Thirty* Days, and from Time to Time till the said *First* Day of *November* One thousand eight hundred and fifty-*five*, proceed to register in Books to be kept for that Purpose, to be called "The Surgeons Register, 1855," on Payment of a like Fee of *Twenty Shillings*, the Name and Place of Abode,

Abode, together with a Description of the Testimonials, of every Surgeon and Apothecary who shall apply to be registered, and who shall produce his Diploma, Certificate, or Licence, or shall produce a duly attested Certificate, or such other Proof as shall be satisfactory to the said Medical Registrar, of his having obtained a Diploma, Certificate, or Licence to practise as a Surgeon or Apothecary, dated prior to the said *First* Day of *November* One thousand eight hundred and fifty-*five*, and granted by any of the English, Irish, or Scotch Colleges or Corporations enumerated in Schedule (C.) to this Act No. 2., and also of every Person who shall apply to be registered, and who was actually practising Medicine in England and Wales prior to the First Day of August One thousand eight hundred and fifteen, and who shall sign a Declaration according to the Form in Schedule (D.), and also of every Surgeon and Assistant Surgeon of the Army and Navy who shall apply to be registered, and whose Warrant of Appointment bears Date prior to the said First Day of August One thousand eight hundred and fifteen.

Registration after the 1st November 1855.

XXI. The Medical Registrar shall, on and after the *First* Day of *November* One thousand eight hundred and fifty-*five*, proceed to register in Books to be kept for that Purpose, and on Payment of a Fee of *Ten Pounds*, the Name and Place of Abode, together with a Description of the Testimonials, of every Physician and Surgeon who shall apply to be registered, and who shall be qualified for Registration as herein-after provided.

Register to be published.

XXII. The Medical Registrar shall in the Month of *February* in every Year cause to be printed a correct Register, in the Form in Schedule (E.), of the Names and Places of Abode of all Persons who shall have been registered under the Provisions of this Act, and who during the Month of *January* next preceding shall have sent to the Medical Registrar their Names and Places of Abode; and such Register shall be called "The Medical Register;" and a printed Copy of the Medical Register for the Time being, so published as aforesaid, shall be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons therein specified are registered according to the Provisions of this Act; and the Absence of the Name of any Person from such printed Copy shall be Evidence, until the contrary be made to appear, that such Person is not registered according to the Provisions of this Act.

Payment of Monies.

XXIII. All Monies received by the Medical Registrar shall be paid over to the Treasurer of the Medical Council, and shall be applied to defray the Expenses of carrying this Act into execution, and any Surplus which shall remain shall be applied in forwarding Medical Educa-

tion and Medical Science in such Manner as the Medical Council shall think fit.

Wilful Falsification of Register.

XXIV. Any Medical Registrar who shall wilfully make or cause to be made any Falsification in any Matters relating to the Register shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be sentenced to be imprisoned for any Term not exceeding *Six* Months.

Physicians.

XXV. After the said *First* Day of *November* One thousand eight hundred and fifty-*five*, no Person shall be registered as a Physician unless he shall have obtained the Age of *Twenty-six* Years, and shall have graduated in Medicine in some University of the United Kingdom or in some Foreign University approved by the Medical Council, and shall also have been examined by One of the Royal Colleges of Physicians of England, Scotland, or Ireland, or by the Faculty of Physicians and Surgeons of Glasgow, after such Proof as shall be satisfactory to the examining Body that he has applied himself to Medical Studies during at least *Five* Years, and in each Case shall have received Letters Testimonial from the examining Body, for which Testimonial the Candidate shall pay such Fee as the said several Colleges and the said Faculty respectively shall determine.

Surgeons.

XXVI. After the said *First* Day of *November* One thousand eight hundred and fifty-*five*, no Person shall be registered as a Surgeon unless he shall have attained the Age of *Twenty-two* Years, and shall have been examined by the Colleges herein-after named; (that is to say,) if in England, examined in Medicine by the Royal College of Physicians of England, assisted by *Five* Surgeons in general Practice, to be appointed from Time to Time by the Medical Council, and examined in Surgery by the Royal College of Surgeons of England; and if in Scotland, examined by the Royal Colleges of Physicians and Surgeons of Edinburgh, or by the Faculty of Physicians and Surgeons of Glasgow; and if in Ireland, examined by the Royal College of Physicians and the Royal College of Surgeons of Ireland, assisted by *Five* Surgeons in general Practice to be appointed from Time to Time by the Medical Council; in every Case after such Proof as shall be satisfactory to the examining Body that the Candidate has applied himself to medical and surgical Studies during at least *Five* Years, and in every Case shall have received Letters Testimonial from each of the Bodies by which he shall have been examined, for which Testimonial the Candidate shall pay such Fee as the said several Colleges and the said Faculty respectively shall determine.

Registered Persons to belong to a College.

XXVII. Every Person registered as a Physician or Surgeon after the *First* Day of *November* One thousand eight hundred and fifty-*five* shall cause himself to be admitted as a Member of the Royal College of

of Physicians or of the Royal College of Surgeons from which he shall have received his Letters Testimonial; or if he shall have received the said Testimonials from the Faculty of Physicians and Surgeons of Glasgow, then as a Member of that Faculty; but no Person so offering himself for Admission shall be required to pass any further Examination, nor to pay any Fee other than an Admission Fee; and every such Physician or Surgeon having been so admitted who shall afterwards remove from that Part of the United Kingdom in which he obtained his Letters Testimonial shall cause himself to be admitted as a Member of the corresponding College of that Part of the United Kingdom to which he shall so remove, or if he is removing to Scotland as a Member of the said Faculty, and shall be entitled to be so admitted without further Examination, and on Payment of an Admission Fee; and every Physician and Surgeon who shall not within *Three* Months after Registration or after such Removal cause himself to be so admitted shall be struck off the Register, and shall not be restored until he shall have been so admitted, and shall have paid to the Treasurer of the Medical Council such Penalty as the Medical Council shall think fit, not exceeding *Five* Pounds for each Calendar Month during which he shall have been so in default.

Qualification and Fees.

XXVIII. The said several Colleges and the said Faculty shall from Time to Time, when required by the Medical Council, prepare and lay before the Medical Council a Scheme of the Course of Study and Particulars of the Examination to be gone through by all Persons applying to such Colleges respectively for Letters Testimonial as Physicians or Surgeons, and of the Fees to be taken for Examination and Admission into the said several Colleges respectively; and the Medical Council shall make from Time to Time such Changes in any of the Schemes so laid before them as to them shall seem expedient; and the Medical Council shall procure, as far as is practicable, that the Qualifications and Fees for the said Testimonials shall be uniform, according to the Nature thereof, throughout the United Kingdom.

For securing Efficiency in Examination.

XXIX. It shall be lawful for any Person deputed by the Medical Council for that Purpose, being a Physician if deputed to a College of Physicians, and being a Surgeon if deputed to a College of Surgeons, or either a Physician or a Surgeon if deputed to the said Faculty, to be present at any of the Examinations held by any of the said Colleges or by the said Faculty, for the Purpose of granting Letters Testimonial; and if the Medical Council shall be of opinion that the Regulations prescribed by them for the Examination and Grant of Letters Testimonial have been infringed, evaded, or neglected by any of the said Colleges or by the said Faculty, it

shall be lawful for the Medical Council to notify the same to the Medical Registrar, and no Person shall be registered upon the Testimonials of the College or the said Faculty so in default, until the same be amended to the Satisfaction of the Medical Council.

Constitution of the examining Bodies.

XXX. Where by this Act it is provided that the Concurrence of more than One Body is required for qualifying any Person to be registered, the Examination before such Bodies for his Letters Testimonial may be conducted either separately before Examiners appointed by each Body, or before a joint Board of Examiners, to be appointed by each Body separately or conjointly, who shall be appointed in such Number, Manner, and Form, and shall hold their Examinations at such Times and Places, as such Bodies shall, with the Approval of the Medical Council, agree from Time to Time among themselves, or as shall be determined by the Medical Council with respect to any Point in which they shall not be agreed; and where there shall be separate Examinations before Examiners appointed by each Body, the Subjects and Fees of Examination shall be divided among such Bodies as they shall from Time to Time agree among themselves, or as the Medical Council from Time to Time shall determine with respect to any Subject on which they shall not be agreed.

Accounts to be published.

XXXI. The Medical Registrar and the Treasurer of the Medical Council shall enter in Books to be kept for that Purpose a true Account of all Sums of Money by them received and paid, and such Accounts shall, in the Months of June and December in every Year, be submitted by them to the Medical Council, and if the said Accounts be found to be correct, the President shall sign the same, and they shall be published by the Registrar along with the Medical Register that shall be printed in the Month of February next ensuing.

Pharmacopœia.

XXXII. The Medical Council shall cause to be published under their Direction and Authority a Book containing a List of Medicines and Compounds, and the Manner of preparing them, together with the true Weights and Measures by which they are to be prepared and mixed, and containing such other Matter and Things relating thereto as the Medical Council shall think fit, to be called "The British Pharmacopœia;" and the Medical Council shall alter, amend, and cause to be republished such Pharmacopœia as often as they shall deem it necessary.

Privileges of registered Persons.

XXXIII. Every Person registered under this Act shall be entitled to practise Medicine and Surgery throughout Her Majesty's Dominions; and every such Person shall be entitled to demand and recover in any Court of Law, with full Costs of Suit, reasonable Charges for Medical

Medical and Surgical Aid, Advice, Visits, and Medicine rendered or supplied by him to his Patients.

None but registered Persons to recover Charges.

XXXIV. After the said *First* Day of *November* One thousand eight hundred and fifty-*five*, no Person shall be entitled to recover any Charge in any Court of Law for any Medical or Surgical Advice, Attendance, or for the Performance of any Operation, or for any Medicine prescribed, administered, or supplied by him, unless he shall prove upon the Trial that he is registered under this Act.

Persons not registered incapable of holding Appointments.

XXXV. After the said *First* Day of *November* One thousand eight hundred and fifty-*five*, no Person who is not registered under this Act shall be capable of holding any Appointment in any Part of the United Kingdom in the Capacity of a Physician, Surgeon, Apothecary, or other Medical Officer, in the Military or Naval Service, or in any Hospital, Infirmary, Dispensary, Lunatic or other Asylum, Lying-in Hospital, Gaol, Penitentiary, House of Correction, House of Industry, Parochial or Union Workhouse or Poorhouse, Parish Union, or other public Establishment, Body, or Institution, or to any Friendly or other Society for affording mutual Relief in Sickness, Infirmity, or Old Age.

Penalty for unregistered Practitioners.

XXXVI. If any Person shall, after the said *First* Day of *November* One thousand eight hundred and fifty-*five*, act or practise as a Physician, Surgeon, or Apothecary, in any Part of the United Kingdom, without being duly registered under this Act, he shall be deemed guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence.

Penalty for falsely pretending to be a registered Person.

XXXVII. Every Person not registered under this Act who shall wilfully and falsely pretend to be, or take or use the Name or Title of a Physician, Doctor, Bachelor of Medicine, Surgeon, or Apothecary, or any Name, Title, Admission, or Description, implying that he is registered under this Act, or that he is recognized by Law as a Physician, or Surgeon, or Apothecary, or a Practitioner in Medicine, shall, on being summarily convicted of every such Offence, before any Two Justices of the Peace for the County, City, or Place where the Offence was committed, pay a Sum not exceeding *Twenty Pounds* nor less than *Five Pounds*, to be recoverable as herein-after described.

How Penalties are to be recovered.

XXXVIII. Any Two Justices of the Peace acting in and for the County, City, or Place in which the Offence has been committed may hear and determine any Complaint made under the next preceding Clause, on the Oath of One or more Witnesses, or by the Confession of the accused Party, and shall award the Penalty or Punishment herein provided for such Offence; and in every Case of

the Adjudication of a pecuniary Penalty and of Nonpayment thereof, it shall be lawful for the said Justices to commit the Offender to any Gaol or House of Correction within his Jurisdiction for a Term not exceeding *Six* Calendar Months, the Imprisonment to cease on Payment of the Sum due.

Penalty for obtaining Registration by false Representations.

XXXIX. If any Person shall wilfully procure or attempt to procure himself to be registered under this Act, by making or producing or causing to be made or produced any false or fraudulent Representation or Declaration, either verbally or in Writing, every such Person so offending, and every Person aiding and assisting him therein, shall, upon being convicted thereof, be adjudged guilty of a Misdemeanor in England and Ireland, and in Scotland of a Crime and Offence.

Application of Penalties.

XL. Any Sum or Sums of Money arising from Conviction and Recovery of Penalties as aforesaid shall be paid to the Treasurer of the Medical Council.

Registered Persons exempted from serving on Juries, &c.

XLI. Every Person who shall be registered under the Provisions of this Act shall be exempt, if he shall so desire, from serving on all Juries and Inquests whatsoever, and from serving all Corporate, Parochial, Ward, Hundred, and Township Offices, and in the Militia, and the Name of such Person shall not be returned in any List of Persons liable to serve in the Militia, or in any such Office as aforesaid.

Provision for Persons practising in the Colonies and for Students.

XLII. It shall be lawful for the Medical Council to make Regulations for dispensing with such Provisions of this Act as to them shall seem fit, in favour of Persons now practising Medicine or Surgery in any Part of Her Majesty's Dominions other than Great Britain and Ireland by virtue of any Degree in Medicine from any English, Irish, or Scotch University, or on any of the Qualifications enumerated in Schedule (C.); and also in favour of any Surgeons or Assistant Surgeons in the Army, Navy, or Militia; and also in favour of Medical Students who shall have commenced their professional Studies before the passing of this Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Of Acts and Parts of Acts to be repealed.

Date of Act.	Title.	Extent of Repeal.
3 H. 8. c. 11.	An Act for the appointing Physicians and Surgeons.	The whole.
5 H. 8. c. 6.	An Act concerning Surgeons to be discharged of Quests and other Things.	The whole.
32 H. 8. c. 40.	For Physicians and their Privilege	Sections 1 and 3.
32 H. 8. c. 40.	For Barbers and Surgeons.	The whole.
34 & 35 H. 8. c. 8.	A Bill that Persons, being no common Surgeons, may minister Medicines notwithstanding the Statute.	The whole.
1 M. sess. 2. c. 9.	An Act touching the Corporation of the Physicians in London.	The whole.
6 & 7 W. 3. c. 4.	An Act for exempting Apothecaries from serving the Offices of Constable, Scavenger, and other Parish and Ward Offices, and from serving upon Juries.	The whole.
18 G. 2. c. 15.	An Act for making the Surgeons of London and the Barbers of London Two separate and distinct Corporations.	The whole.
31 G. 3. c. 34. (Act of Irish Parliament.)	An Act for the more effectually preserving the Health of His Majesty's Subjects, for erecting an Apothecary's Hall in the City of Dublin, and regulating the Profession of an Apothecary throughout the Kingdom of Ireland.	So much of the Act as relates to licensing in Pharmacy.
55 G. 3. c. 194.	An Act for better regulating the Practice of Apothecaries throughout England and Wales.	So much of the Act as relates to the Examination of Apothecaries, or to the Qualification of Persons intended to be examined, or to qualify themselves under that Act to practise as an Apothecary, or to the Fees to be paid by Apothecaries for the Certificate of the Court of Examiners, or to the Penalties for practising as Apothecaries without having obtained such Certificate.
6 G. 4. c. 50.	An Act for consolidating and amending the Laws relative to Jurors and Juries.	Section 2.
13 & 14 Vict. c. 20. (Local & Personal.)	An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of Glasgow, and amending their Charter of Incorporation.	Section 3.

SCHEDULE (B.) No. 1.

NOMINATION OF CANDIDATES FOR OFFICE OF REPRESENTATIVE MEMBERS OF MEDICAL COUNCIL.

To the Medical Registrar.

I hereby nominate

Name.	Residence.

as fit and proper Persons to be elected Representative Members for [*England*], of the Medical Council at the ensuing Election, to be held on the First Day of June next.

Dated this Day of 185 .

(Signed) [*Name.*]

[*Residence.*]

Persons recommending the above
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SCHEDULE (B.) No. 2.

VOTING PAPER,

To be used at the Election for Representative Members of Council, on the First Day of June next.

REPRESENTATIVE MEMBERS OF COUNCIL FOR [*England*] GOING OUT OF OFFICE.

Name.	Residence.

CANDIDATES.

Name.	Residence.	Persons recommending.

[,]

Medical Registrar .

DIRECTIONS.—All the Names on the above List, with the Exception of those intended to be voted for, must be struck through with a Pen. If more than [*Four*] Names remain when the List is returned to the Registrar, the Vote will not be counted as a good Vote. The above Persons being the Representative Members of the Council retiring, and the Candidates duly nominated according to the Act of Parliament of the Vict. c. , are the only Persons eligible to be elected Representative Members. If the above List be not handed personally by the Person voting to the Registrar or his Deputy, it must be sealed up, and enclosed in the accompanying Declaration, which is to be filled up and signed by the Person desirous of voting, and sent by the Post, prepaid, directed to the Registrar, so that it may be delivered to him on the Day of Election, before Four o'Clock in the Afternoon.

SCHEDULE (B.) No. 3.

DECLARATION OF VOTE.

To the Medical Registrar.

Take notice, that I, of in the County of , being duly qualified to vote at the ensuing Election for Representative Members for [*England*] of the Medical Council, to be held on the First Day of June next, require you to record the inclosed as my Vote at such Election.

Dated this Day of 185 .

Signed [*Name.*]

[*Residence.*]

SCHEDULE (C.) No. 1.

LIST of CORPORATIONS whose Diplomas and Licences shall entitle the Persons holding them to be registered as Physicians prior to the First Day of November 1855.

The Royal College of Physicians of London.
The Royal College of Physicians of Edinburgh.
The Faculty of Physicians and Surgeons of Glasgow.
The King's and Queen's College of Physicians in Ireland.
The Archbishop of Canterbury.
The University of Oxford.
The University of Cambridge.
The University of London.

SCHEDULE (C.) No. 2.

LIST of CORPORATIONS whose Diplomas and Licences shall entitle the Persons holding them to be registered as Surgeons prior to the First Day of November 1855.

The Royal College of Surgeons of England.
The Royal College of Surgeons of Edinburgh.
The Faculty of Physicians and Surgeons of Glasgow.
The Royal College of Surgeons of Dublin.
The Society of Apothecaries in London.
The Apothecaries Hall, Dublin.

SCHE-

SCHEDULE (D.)

DECLARATION required of a Person who claims to be registered as a Medical Practitioner, upon the Ground that he was in Practice as a Medical Practitioner before the First Day of August 1815:—

To the Registrar of the Medical Council.

I, , residing at in the County of , hereby declare that I was practising as a Medical Practitioner, at in the County of before the First Day of August 1815.

(Signed) [*Name.*]

Dated this Day of 185

SCHEDULE (E.)

The MEDICAL REGISTER, consisting of the Names and Places of Residence and Qualifications of all Persons legally qualified to practise Medicine and Surgery in the Year 185 .

I. ENGLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

II. SCOTLAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

III. IRELAND.

Physicians (*arranged alphabetically*).

Names.	Residences.	Qualifications.

Surgeons (*arranged alphabetically*).

Names.	Residences.	Qualifications.

SCHEDULE (F.)

CERTIFICATE of Approval from Examiners in Classics, the Exact Sciences, and General Literature.

This is to certify, That [*Name of Candidate examined*] has been carefully examined by us, the Examiners in [*London*] in Classics, the Exact Sciences, and General Literature after the Scheme approved of by the Medical Council, and that we consider him a fit Person to be presented as a Candidate for Examination in Medicine and Surgery.

(Signed) [*Name of Examiner or Examiners.*]

Dated

Medical Profession.

A

BILL

To alter and amend the Laws regulating the Medical Profession.

(*Prepared and brought in by Mr. Headlam, Mr. Brady, and Mr. Craufurd.*)

Ordered, by The House of Commons, *to be Printed*, 26 *June* 1855.

Under 3 oz.

[199.]

Merchant Shipping Act Amendment Bill.

ANALYSIS.

Arrangement of Clauses.	Contents of Clauses.
	Preamble.
	1. Short Title of Act. 17 & 18 Vict. c. 104.
Colonial Lighthouses - -	2. Her Majesty may, by Order in Council, fix Dues for Colonial Lighthouses.
	3. No such Dues to be levied in any Colony without the Consent of the Colonial Legislature.
	4. Mode of collecting the said Dues, 17 & 18 Vict. c. 104. ss. 399, 400, 401.
	5. Dues to be paid over to Her Majesty's Paymaster General.
	6. Dues to be applied to Expenses of Lighthouse, &c. for which they are levied.
	7. Power to borrow Money on Security of Dues, 17 & 18 Vict. c. 104. ss. 424, 425, 426.
	8. Accounts for each Lighthouse, &c. to be kept, and laid before Parliament. Accounts to be audited, 17 & 18 Vict. c. 104. s. 428.
	9. Penalty on false Declarations under Part II. of Merchant Shipping Act.
	10. Shares in Shipping within the Trustee Act, 1850.
Registry of Ships. Part II. -	11. Forms of Instruments.
	12. Delivery of Certificate upon Transfer.
	13. Exemption of certain Ships from having Name painted on Stern, 17 & 18 Vict. c. 104. s. 34.
	14. General Register Books in London
	15. Extension of Provisions concerning the Relief of destitute Seamen, 17 & 18 Vict. c. 104., ss. 33., 211, 212, and 213.
Masters and Seamen. Part III.	16. Additional Powers to maintain Discipline in Transport Ships, 17 & 18 Vict. c. 104. ss. 260. to 266.
Wrecks, Casualties, and Salvage. Part VIII. - -	17. In case of Wreck of Foreign Ships, Consul General to be deemed Agent of Owner.
	18. Remuneration for Services by Coast Guard.
Legal Procedure. Part X. -	19. Jurisdiction in case of Offences on board Ship.
	20. Relief of destitute Lascars.
Miscellaneous. Part XI. -	21. Contracts may be made with Natives in India, under certain Conditions, binding them to go to the United Kingdom, and then to serve in other Ships back to India or elsewhere.
	22. Saving of former Enactments.

A

BILL

TO

Facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to make Provision for facilitating the Erection and Maintenance of Lighthouses in the British Possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be Part of the Merchant Shipping Act, 1854, and shall be construed accordingly. Short Title of Act. 17 & 18 Vict. c. 104.

Colonial Lighthouses.

II. In any Case in which any Lighthouse, Buoy, or Beacon has been or is hereafter erected or placed on or near the Coasts of any British Possession, by or with the Consent of the Legislative Authority of such Possession, Her Majesty may, by Order in Council, fix such Dues in respect thereof, to be paid by the Owner or Master of every Ship which passes the same or derives Benefit therefrom, as Her Majesty Her Majesty may by Order in Council fix Dues for Colonial Lighthouses.

Majesty may deem reasonable, and may in like Manner from Time to Time increase, diminish, or repeal such Dues, and from the Time specified in such Order for the Commencement of the Dues thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's Dominions in manner herein-after mentioned.

No such Dues to be levied in any Colony without the Consent of the Colonial Legislature.

III. No such Dues as aforesaid shall be levied in any Colony unless and until the Legislative Authority in such Colony has, either by Address to the Crown, or by an Act or Ordinance duly passed, signified its Opinion that the same ought to be levied in such Colony.

Mode of collecting the said Dues.

17 & 18 Vict. c. 104. ss. 399, 400, 401.

IV. The said Dues shall in the United Kingdom be collected by the same Persons by whom, and by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each British Possession abroad be collected by such Persons as the Governor of such Possession abroad may appoint for the Purpose, and shall be collected by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other Means, in such other Manner, and subject to such other Conditions as the Legislative Authority in such Possession may direct.

Dues to be paid over to Her Majesty's Paymaster General.

V. All Dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such Times and in such Manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the Purposes herein-after mentioned, in such Manner as such Board may direct.

Dues to be applied to Expenses of Lighthouse, &c. for which they are levied.

VI. The Dues levied under the Authority of this Act in respect of any such Lighthouse, Buoy, or Beacon as aforesaid shall, after deducting any Expenses incurred in collecting the same, be applied for the Purpose of paying the Expenses incurred in erecting and maintaining such Lighthouse, Buoy, or Beacon, and for no other Purpose whatever.

Power to borrow Money on Security of Dues.

17 & 18 Vict. c. 104. ss. 424, 425, 426.

VII. For the Purpose of constructing or repairing any such Lighthouse, Buoy, or Beacon as aforesaid, the Board of Trade may raise, upon the Security of the Dues to be levied in respect thereof, such Sums of Money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any Monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other Person or Body of Persons, may advance the same accordingly, such Advances

Advances to be made in the same Manner, with the same Powers, and subject to the same Provisions, so far as Circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, Advances may be made upon the Security of the Mercantile Marine Fund for the Construction and Repair of Lighthouses in the United Kingdom.

Accounts for each Lighthouse, &c. to be kept, and laid before Parliament.

VIII. Accounts shall be kept of all Sums expended in the Construction, Repair, or Maintenance of every Lighthouse, Buoy, or Beacon in the British Possessions abroad for which Dues are levied under the Authority of this Act, and of the Dues received in respect thereof, in such Manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said Accounts shall be audited in such Manner as Her Majesty may by Order in Council direct.

Accounts to be audited. 17 & 18 Vict. c. 104. s. 428.

Registry of Ships.

PART II.

Penalty on false Declarations under Part II. of Merchant Shipping Act.

IX. Any Person who, in any Declaration made in the Presence of or produced to any Registrar of Shipping, in pursuance of the Second Part of the Merchant Shipping Act, 1854, or in any Documents or other Evidence produced to such Registrar, wilfully makes, or assists in making or procures to be made, any false Statement concerning the Title to or the Ownership of or the Interests existing in any Ship, or any Share or Shares in any Ship, or who utters, produces, or makes use of any Declaration or Document containing any such false Statement, knowing the same to be false, shall be guilty of a Misdemeanor.

Shares in Shipping within the Trustee Act, 1850.

X. Shares in Ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the Word "Stock," as defined by the Trustee Act, 1850, and the Provisions of such last-mentioned Act shall be applicable to such Shares accordingly.

Forms of Instruments.

XI. In any Case in which any Bill of Sale, Mortgage, or other Instrument for the Disposal or Transfer of any Ship or any Share or Shares therein or of any Interest therein is made in any Form or contains any Particulars other than the Form and Particulars prescribed and approved for the Purpose by or in pursuance of the Merchant Shipping Act, 1854, no Registrar shall be required to record the same without the express Direction of the Commissioners of Her Majesty's Customs.

Delivery of Certificate upon Transfer, s. 90.

XII. Upon the Transfer of the Registry of a Ship from one Port to another, the Certificate of Registry required by the Ninetieth Section of the Merchant Shipping Act, 1854, to be delivered up for that Purpose, may be delivered up to the Registrar of either of such Ports.

Exemption of certain Ships from having Name painted on Stern. 17 & 18 Vict. c. 104. s. 34.

XIII. The Commissioners of Customs may, with the Consent of the Board of Trade, exempt any Ship from the Provision contained in the Thirty-fourth Section of the Merchant Shipping Act, 1854, which requires the Name of every Ship and the Port to which she belongs to be painted on her Stern.

General Register Books in London.

XIV. The Copy or Transcript of the Register of any British Ship which is kept by the Chief Registrar of Shipping at the Custom House in London, or by the Registrar General of Seamen, under the Direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same Effect to all Intents and Purposes as the original Register of which the same is a Copy or Transcript.

Masters and Seamen.

PART III.

Extension of Provisions concerning the Relief of destitute Seamen. 17 & 18 Vict. cc. 104., 33., 211, 212, and 213.

XV. The Powers of recovering Expenses incurred with respect to distressed Seamen and Apprentices, which by the Two hundred and thirteenth Section of the Merchant Shipping Act, 1854, are given to the Board of Trade, shall extend to all Expenses incurred by any Foreign Government for the Purposes aforesaid, and repaid to such Government by Her Majesty's Government, and shall likewise extend to any Expenses incurred by the conveying home such Seamen or Apprentices in Foreign as well as British Ships; and all Provisions concerning the Relief of distressed Seamen and Apprentices, being Subjects of Her Majesty, which are contained in the Two hundred and eleventh, the Two hundred and twelfth, and the Two hundred and thirteenth Sections of the Merchant Shipping Act, 1854, and in this Section, shall extend to such Seamen and Apprentices, not being Subjects of Her Majesty, as are reduced to Distress in Foreign Parts by reason of their having been shipwrecked, discharged, or left behind from any British Ship; subject nevertheless to such Modifications and Directions concerning the Cases in which Relief is to be given to such Foreigners, and the Country to which they are to be sent, as the Board of Trade may, under the Circumstances, think fit to make and issue.

Additional Powers to maintain Discipline in Transport Ships. 17 & 18 Vict. c. 104. ss. 260. to 266.

XVI. Any Naval Court summoned, under the Provisions of the Merchant Shipping Act, 1854, to hear any Complaint touching the Conduct of the Master or any of the Crew of any Ship employed as a Transport in the Service of the Admiralty or of any Department of Her Majesty's Government, shall, in addition to the Powers given to it by the said Act, have Power to try the said Master or any of the said Crew for any Offences in respect of which Two Justices would, if the Case were tried in the United Kingdom, have Power to convict summarily, and by Order duly made to inflict the same Punishments for such Offences which Two Justices might in the Case aforesaid

aforesaid inflict upon summary Conviction; provided, that in Cases where an Offender is sentenced to Imprisonment the Sentence shall be confirmed in Writing by the Senior Naval Officer present at the Place where the Court is held, and the Place of Imprisonment, whether on Land or on board Ship, shall be approved by him as a proper Place for the Purpose, and Copies of all Sentences made by any Naval Court summoned to hear any such Complaint as aforesaid shall be sent to the Commander-in-Chief or Senior Naval Officer of the Station.

Wrecks, Casualties, and Salvage.

PART VIII.

In case of Wreck of Foreign Ships, Consul General to be deemed Agent of Owner.

XVII. Whenever any Articles belonging to or forming Part of any Foreign Ship which has been wrecked on or near the Coasts of the United Kingdom, or belonging to or forming Part of the Cargo thereof, are found on or near such Coasts, or are brought into any Port in the United Kingdom, the Consul General of the Country to which such Ship, or, in the Case of Cargo, to which the Owners of such Cargo, may have belonged, shall, in the Absence of the Owner of such Ship or Articles, and of the Master or other Agent of the Owner, be deemed to be the Agent of the Owner, so far as relates to the Custody and Disposal of such Articles.

Remuneration for Services by Coast Guard.

XVIII. In Cases where Services are rendered by Officers or Men of the Coast Guard Service in watching or protecting shipwrecked Property, then, unless it can be shown that such Services have been declined by the Owner of such Property or his Agent at the Time they were tendered, or that Salvage has been claimed and awarded for such Services, the Owner of the shipwrecked Property shall pay in respect of the said Services Remuneration according to a Scale to be fixed by the Board of Trade, so, however, that such Scale shall not exceed any Scale by which Payment to Officers and Men of the Coast Guard for extra Duties in the ordinary Service of the Commissioners of Customs is for the Time being regulated; and such Remuneration shall be recoverable by the same Means and shall be paid to the same Persons and accounted for and applied in the same Manner as Fees received by Receivers appointed under the Merchant Shipping Act, 1854.

Legal Procedure.

PART X.

Jurisdiction in case of Offences on board Ship. 12 & 13 Vict. c. 96.

XIX. If any Person, being a British Subject, charged with having committed any Crime or Offence on board any British Ship on the High Seas or in any Foreign Port or Harbour, or if any Person, not being a British Subject, charged with having committed any Crime or Offence on board any British Ship on the High Seas, is found within the Jurisdiction of any Court of Justice in Her Majesty's Dominions which would have had Cognizance of such Crime or Offence if committed within the Limits of its ordinary

Jurisdiction, such Court shall have Jurisdiction to hear and try the Case as if such Crime or Offence had been committed within such Limits: Provided, that nothing contained in this Section shall be construed to repeal or limit the Act of the Thirteenth Year of Her present Majesty, Chapter Ninety-six.

Miscellaneous.

PART XI.

Relief of destitute Lascars.

XX. It shall be the Duty of the East India Company to take charge of and send home or otherwise provide for all Persons, being Lascars or other Natives of the Territories under the Government of the said Company, who are found destitute in the United Kingdom; and if any such Person is relieved and maintained by any Guardians, Overseers, or other Persons administering the Relief of the Poor, such Overseers, Guardians, or other Persons may, by Letter sent through the Post or otherwise, give Notice thereof in Writing to the East India Company, specifying, if and so far as is practicable, the following Particulars; viz.,—

1. The Name of the Person so relieved or maintained:
2. The Presidency or District or Part of the Territories of the East India Company of which he professes to be a Native:
3. The Name of the Ship in which he was brought to the United Kingdom:
4. The Port or Place abroad from which such Ship sailed, and the Port or Place in the United Kingdom at which such Ship arrived, when he was so brought to the United Kingdom, and the Time of such Arrival:

And the said East India Company shall repay to the said Overseers, Guardians, or other Persons, out of the Revenues of the said Company, all Monies duly expended by them in relieving or maintaining such destitute Person, after the Time at which such Notice aforesaid is sent or otherwise given.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to the United Kingdom, and then to serve in other Ships back to India or elsewhere.

XXI. It shall be lawful for any Master or Owner of a Ship or his Agent to enter into Agreements with Lascars or Natives of the Territories of the East India Company, binding them to proceed to any Port or Ports in the United Kingdom, either as Seamen or as Passengers, and there to enter into a further Agreement to serve as Seamen in any Ship which may happen to be there, and to be bound to any Port in the Territories of the East India Company; provided, that every such original Agreement shall be made in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of India in Council, or the Governors of the respective Presidencies in which the original Agreement is made, in Council may direct; and if any Lascar or other Person who has bound

bound himself by any such original Agreement is, on arriving in the United Kingdom, required to enter into a further Agreement to serve as a Seaman in any Ship bound to any Port in the Territories of the East India Company, and if it is certified by some Officer appointed for that Purpose by the East India Company that such further Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Agreement, and that the Ship to which such further Agreement relates is in all respects a proper Ship for such Lascar or other Person to serve in, and that there is not, in the Opinion of such Officer, any Objection to the full Performance of the said original Agreement, such Lascar or other Person shall be deemed to be engaged under such further Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and for every Lascar or other Person in respect of whom such Certificate is applied for, the Person applying for the same shall pay to such Officer as aforesaid such Fee as the East India Company may appoint, not exceeding *Ten Shillings*.

Saving of former Enactments.

XXII. Nothing herein contained shall be deemed to repeal or affect any Provisions contained in the Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, or Thirty-fourth Sections of the Act of the Fourth Year of King George the Fourth, Chapter Eighty, or in the Sixteenth Section of the Act of the Eighteenth Year of Her present Majesty, Chapter One hundred and twenty.

Merchant Shipping Act Amendment.

A

BILL

To facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

(Prepared and brought in by (Mr. FitzRoy, Mr. Bouverie, and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 21 *June* 1855.

[Bill 188.]

Under 2 oz.

Merchant Shipping Act Amendment Bill.

[AS AMENDED IN COMMITTEE.]

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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

[Note.—*The Clauses* A. *and* B. *were added in Committee.*]

Preamble.

WHEREAS it is expedient to make Provision for facilitating the Erection and Maintenance of Lighthouses in the British Possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title of Act. 17 & 18 Vict. c. 104.

I. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be Part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

Colonial Lighthouses.

Her Majesty may by Order in Council fix Dues for Colonial Lighthouses.

II. In any Case in which any Lighthouse, Buoy, or Beacon has been or is hereafter erected or placed on or near the Coasts of any British Possession, by or with the Consent of the Legislative Authority of such Possession, Her Majesty may, by Order in Council, fix such Dues in respect thereof, to be paid by the Owner or Master of every Ship which passes the same or derives Benefit therefrom, as Her

Majesty may deem reasonable, and may in like Manner from Time to Time increase, diminish, or repeal such Dues, and from the Time specified in such Order for the Commencement of the Dues thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's Dominions in manner herein-after mentioned.

No such Dues to be levied in any Colony without the Consent of the Colonial Legislature.

III. No such Dues as aforesaid shall be levied in any Colony unless and until the Legislative Authority in such Colony has, either by Address to the Crown, or by an Act or Ordinance duly passed, signified its Opinion that the same ought to be levied in such Colony.

Mode of collecting the said Dues.

17 & 18 Vict. c. 104. ss. 399, 400, 401.

IV. The said Dues shall in the United Kingdom be collected by the same Persons by whom, and by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are collected, and shall in each British Possession abroad be collected by such Persons as the Governor of such Possession abroad may appoint for the Purpose, and shall be collected by the same Means, in the same Manner, and subject to the same Conditions, so far as Circumstances permit, by, in, and subject to which the Light Dues leviable under the Merchant Shipping Act, 1854, are paid and collected, or by such other Means, in such other Manner, and subject to such other Conditions as the Legislative Authority in such Possession may direct.

Dues to be paid over to Her Majesty's Paymaster General.

V. All Dues levied under this Act shall be paid over to Her Majesty's Paymaster General at such Times and in such Manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the Purposes herein-after mentioned, in such Manner as such Board may direct

Dues to be applied to Expenses of Lighthouse, &c. for which they are levied.

VI. The Dues levied under the Authority of this Act in respect of any such Lighthouse, Buoy, or Beacon as aforesaid shall, after deducting any Expenses incurred in collecting the same, be applied for the Purpose of paying the Expenses incurred in erecting and maintaining such Lighthouse, Buoy, or Beacon, and for no other Purpose whatever.

Power to borrow Money on Security of Dues.

17 & 18 Vict. c. 104. ss. 424, 425, 426.

VII. For the Purpose of constructing or repairing any such Lighthouse, Buoy, or Beacon as aforesaid, the Board of Trade may raise, upon the Security of the Dues to be levied in respect thereof, such Sums of Money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any Monies which may be provided by Parliament, the Public Works Loan Commissioners, or any other Person or Body of Persons, may advance the same accordingly, such

Advances

Advances to be made in the same Manner, with the same Powers, and subject to the same Provisions, so far as Circumstances permit, in, with, and subject to which, under the Merchant Shipping Act, 1854, Advances may be made upon the Security of the Mercantile Marine Fund for the Construction and Repair of Lighthouses in the United Kingdom.

Accounts for each Lighthouse, &c. to be kept, and laid before Parliament.

VIII. Accounts shall be kept of all Sums expended in the Construction, Repair, or Maintenance of every Lighthouse, Buoy, or Beacon in the British Possessions abroad for which Dues are levied under the Authority of this Act, and of the Dues received in respect thereof, in such Manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said Accounts shall be audited in such Manner as Her Majesty may by Order in Council direct.

Accounts to be audited. 17 & 18 Vict. c. 104. s. 428.

Registry of Ships.

Part II.

Penalty on false Declarations under Part II. of Merchant Shipping Act.

IX. Any Person who, in any Declaration made in the Presence of or produced to any Registrar of Shipping, in pursuance of the Second Part of the Merchant Shipping Act, 1854, or in any Documents or other Evidence produced to such Registrar, wilfully makes, or assists in making or procures to be made, any false Statement concerning the Title to or the Ownership of or the Interests existing in any Ship, or any Share or Shares in any Ship, or who utters, produces, or makes use of any Declaration or Document containing any such false Statement, knowing the same to be false, shall be guilty of a Misdemeanor.

Shares in Shipping within the Trustee Act, 1850.

X. Shares in Ships registered under the said Merchant Shipping Act, 1854, shall be deemed to be included in the Word "Stock," as defined by the Trustee Act, 1850, and the Provisions of such last-mentioned Act shall be applicable to such Shares accordingly.

Forms of Instruments.

XI. In any Case in which any Bill of Sale, Mortgage, or other Instrument for the Disposal or Transfer of any Ship or any Share or Shares therein or of any Interest therein is made in any Form or contains any Particulars other than the Form and Particulars prescribed and approved for the Purpose by or in pursuance of the Merchant Shipping Act, 1854, no Registrar shall be required to record the same without the express Direction of the Commissioners of Her Majesty's Customs.

Delivery of Certificate upon Transfer, s. 90.

XII. Upon the Transfer of the Registry of a Ship from one Port to another, the Certificate of Registry required by the Ninetieth Section of the Merchant Shipping Act, 1854, to be delivered up for that Purpose, may be delivered up to the Registrar of either of such Ports.

Exemption of certain Ships from having Name painted on Stern. 17 & 18 Vict. c. 104. s. 34.

XIII. The Commissioners of Customs may, with the Consent of the Board of Trade, exempt any Ship from the Provision contained in the Thirty-fourth Section of the Merchant Shipping Act, 1854, which requires the Name of every Ship and the Port to which she belongs to be painted on her Stern.

CLAUSE A. Ships measured under Rule II. may be measured under Rule I. 17 & 18 Vict. c. 104. ss. 21 and 22.

XIV. The Owner of any Ship which is measured under Rule II. contained in the Twenty-second Section of the Merchant Shipping Act, 1854, may at any subsequent Period apply to the Commissioners of Customs to have the said Ship remeasured under Rule I. contained in the Twenty-first Section of the same Act, and the said Commissioners may thereupon, and upon Payment of such Fee not exceeding Seven Shillings and Sixpence for each Transverse Section as they may authorize, direct the said Ship to be remeasured accordingly, and the Number denoting the Register Tonnage shall be altered accordingly.

General Register Books in London.

XV. The Copy or Transcript of the Register of any British Ship which is kept by the Chief Registrar of Shipping at the Custom House in London, or by the Registrar General of Seamen, under the Direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same Effect to all Intents and Purposes as the original Register of which the same is a Copy or Transcript.

Masters and Seamen.

PART III.

Extension of Provisions concerning the Relief of destitute Seamen. 17 & 18 Vict. cc. 104., 33., 211, 212, and 213.

XVI. The Board of Trade may issue Instructions concerning the Relief to be administered to distressed Seamen and Apprentices, in pursuance of the Two hundred and eleventh and Two hundred and twelfth Sections of the Merchant Shipping Act, 1854, and may by such Instructions determine in what Cases and under what Circumstances and Conditions such Relief is to be administered; and all Powers of recovering Expenses incurred with respect to distressed Seamen and Apprentices, which by the Two hundred and thirteenth Section of the said Act are given to the Board of Trade, shall extend to all Expenses incurred by any Foreign Government for the Purposes aforesaid, and repaid to such Government by Her Majesty's Government, and shall likewise extend to any Expenses incurred by the conveying home such Seamen or Apprentices in Foreign as well as British Ships; and all Provisions concerning the Relief of distressed Seamen and Apprentices, being Subjects of Her Majesty, which are contained in the said Sections of the said Act, and in this Section, shall extend to such Seamen and Apprentices, not being Subjects of Her Majesty, as are reduced to Distress in Foreign Parts by reason of their having been shipwrecked, discharged, or left behind from any British Ship; subject nevertheless to such Modifications

and

and Directions concerning the Cases in which Relief is to be given to such Foreigners, and the Country to which they are to be sent, as the Board of Trade may, under the Circumstances, think fit to make and issue.

CLAUSE B. Enactment concerning Savings Banks extended to Seamen in the Navy. 17 & 18 Vict. c. 104. s. 180.

XVII. The Enactment of the Merchant Shipping Act, 1854, relating to Savings Banks shall apply to all Seamen, and to their Wives and Families, whether such Seamen belong to the Royal Navy or to the Merchant Service, or to any other Sea Service.

Additional Powers to maintain Discipline in Transport Ships. 17 & 18 Vict. c.104. ss.260. to 266.

XVIII. Any Naval Court summoned, under the Provisions of the Merchant Shipping Act, 1854, to hear any Complaint touching the Conduct of the Master or any of the Crew of any Ship employed as a Transport in the Service of the Admiralty or of any Department of Her Majesty's Government, shall, in addition to the Powers given to it by the said Act, have Power to try the said Master or any of the said Crew for any Offences in respect of which Two Justices would, if the Case were tried in the United Kingdom, have Power to convict summarily, and by Order duly made to inflict the same Punishments for such Offences which Two Justices might in the Case aforesaid inflict upon summary Conviction; provided, that in Cases where an Offender is sentenced to Imprisonment the Sentence shall be confirmed in Writing by the Senior Naval or Consular Officer present at the Place where the Court is held, and the Place of Imprisonment, whether on Land or on board Ship, shall be approved by him as a proper Place for the Purpose, and Copies of all Sentences made by any Naval Court summoned to hear any such Complaint as aforesaid shall be sent to the Commander-in-Chief or Senior Naval Officer of the Station.

Wrecks, Casualties, and Salvage.

PART VIII. In case of Wreck of Foreign Ships, Consul General to be deemed Agent of Owner.

XIX. Whenever any Articles belonging to or forming Part of any Foreign Ship which has been wrecked on or near the Coasts of the United Kingdom, or belonging to or forming Part of the Cargo thereof, are found on or near such Coasts, or are brought into any Port in the United Kingdom, the Consul General of the Country to which such Ship, or, in the Case of Cargo, to which the Owners of such Cargo, may have belonged, shall, in the Absence of the Owner of such Ship or Articles, and of the Master or other Agent of the Owner, be deemed to be the Agent of the Owner, so far as relates to the Custody and Disposal of such Articles.

Remuneration for Services by Coast Guard.

XX. In Cases where Services are rendered by Officers or Men of the Coast Guard Service in watching or protecting shipwrecked Property, then, unless it can be shown that such Services have been declined by the Owner of such Property or his Agent

at the Time they were tendered, or that Salvage has been claimed and awarded for such Services, the Owner of the shipwrecked Property shall pay in respect of the said Services Remuneration according to a Scale to be fixed by the Board of Trade, so, however, that such Scale shall not exceed any Scale by which Payment to Officers and Men of the Coast Guard for extra Duties in the ordinary Service of the Commissioners of Customs is for the Time being regulated; and such Remuneration shall be recoverable by the same Means and shall be paid to the same Persons and accounted for and applied in the same Manner as Fees received by Receivers appointed under the Merchant Shipping Act, 1854.

Legal Procedure.

PART X. Jurisdiction in case of Offences on board Ship. 12 & 13 Vict. c. 96.

XXI. If any Person, being a British Subject, charged with having committed any Crime or Offence on board any British Ship on the High Seas or in any Foreign Port or Harbour, or if any Person, not being a British Subject, charged with having committed any Crime or Offence on board any British Ship on the High Seas, is found within the Jurisdiction of any Court of Justice in Her Majesty's Dominions which would have had Cognizance of such Crime or Offence if committed within the Limits of its ordinary Jurisdiction, such Court shall have Jurisdiction to hear and try the Case as if such Crime or Offence had been committed within such Limits: Provided, that nothing contained in this Section shall be construed to alter or interfere with the Act of the Thirteenth Year of Her present Majesty, Chapter Ninety-six.

Miscellaneous.

PART XI. Relief of destitute Lascars.

XXII. It shall be the Duty of the East India Company to take charge of and send home or otherwise provide for all Persons, being Lascars or other Natives of the Territories under the Government of the said Company, who are found destitute in the United Kingdom; and if any such Person is relieved and maintained by any Guardians, Overseers, or other Persons administering the Relief of the Poor, such Overseers, Guardians, or other Persons may, by Letter sent through the Post or otherwise, give Notice thereof in Writing to the East India Company, specifying, if and so far as is practicable, the following Particulars; viz.,—

1. The Name of the Person so relieved or maintained:
2. The Presidency or District or Part of the Territories of the East India Company of which he professes to be a Native:
3. The Name of the Ship in which he was brought to the United Kingdom:
4. The Port or Place abroad from which such Ship sailed, and the Port or Place in the United Kingdom at which such Ship arrived, when he was so brought to the United Kingdom, and the Time of such Arrival:

And

And the said East India Company shall repay to the said Overseers, Guardians, or other Persons, out of the Revenues of the said Company, all Monies duly expended by them in relieving or maintaining such destitute Person, after the Time at which such Notice aforesaid is sent or otherwise given.

Contracts may be made with Natives in India, under certain Conditions, binding them to go to the United Kingdom, and then to serve in other Ships back to India or elsewhere.

XXIII. It shall be lawful for any Master or Owner of a Ship or his Agent to enter into Agreements with Lascars or Natives of the Territories of the East India Company, binding them to proceed to any Port or Ports in the United Kingdom, either as Seamen or as Passengers, and there to enter into a further Agreement to serve as Seamen in any Ship which may happen to be there, and to be bound to any Port in the Territories of the East India Company; provided, that every such original Agreement shall be made in such Form, and shall contain such Provisions, and shall be executed in such Manner, and under such Conditions for securing the Return of such Lascars or Natives to their own Country, and for other Purposes, as the Governor General of India in Council, or the Governors of the respective Presidencies in which the original Agreement is made, in Council may direct; and if any Lascar or other Person who has bound himself by any such original Agreement is, on arriving in the United Kingdom, required to enter into a further Agreement to serve as a Seaman in any Ship bound to any Port in the Territories of the East India Company, and if it is certified by some Officer appointed for that Purpose by the East India Company that such further Agreement is a proper Agreement in all respects for such Lascar or other Person to enter into, and is in accordance with the original Agreement, and that the Ship to which such further Agreement relates is in all respects a proper Ship for such Lascar or other Person to serve in, and that there is not, in the Opinion of such Officer, any Objection to the full Performance of the said original Agreement, such Lascar or other Person shall be deemed to be engaged under such further Agreement, and to serve as a Seaman in the Ship to which it relates, and shall thereupon be deemed to be for all Purposes One of the Crew of the Ship; and for every Lascar or other Person in respect of whom such Certificate is applied for, the Person applying for the same shall pay to such Officer as aforesaid such Fee as the East India Company may appoint, not exceeding Ten Shillings.

Saving of former Enactments.

XXIV. Nothing herein contained shall be deemed to repeal or affect any Provisions contained in the Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, or Thirty-fourth Sections of the Act of the Fourth Year of King George the Fourth, Chapter Eighty, or in the Sixteenth Section of the Act of the Eighteenth Year of Her present Majesty, Chapter One hundred and twenty.

Merchant Shipping Act Amendment.

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854.

(*Prepared and brought in by* (*Mr. FitzRoy, Mr. Bouverie, and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 6 *July* 1855.

[Bill 321.]

Under 2 oz.

Metropolis Local Management Bill.

ARRANGEMENT OF CLAUSES.

Preamble.

Application of Vestry Act, 1 & 2 *W.* 4. *c.* 60., *to all Parishes in the Metropolis, except the City.*

1 & 2 W. 4. c. 60. to be in force in all Parishes in the Metropolis except the City; Sect. 1.

First Election of Vestrymen and Auditors in Parishes brought under 1 & 2 W. 4. c. 60. by this Act; 2.

The full Number of Vestrymen to be chosen at First Election, and existing Vestries superseded; 3.

Term of Office of elected Vestrymen; 4.

Term of Office of Auditors; 5.

Form of Notice of Election in such Parishes; 6.

Provisions for Places having no Churchwardens and no Church; 7.

Formation of Parishes into Districts, and Constitution of District Boards.

Parishes in Schedule (B.) to be united, and form Districts, and District Board constituted; 8.

Vestry to elect Members of District Board; 9.

In case the relative Amounts of Population of Parishes in any District vary on any future Census, Numbers of Members to be returned to District Board may be altered; 10.

Term of Office of Members of District Boards; 11.

Annual Elections to supply Vacancies by Retirement; 12.

Provision as to Parishes not electing as many as Three Members of a District Board; 13.

Provision as to casual Vacancies; 14.

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Ordinary Meetings of District Boards; 16.

Special Meetings of District Boards; 17.

Chairman to be elected at Meeting of Board; 18.

Incorporation of Vestries and District Boards.

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Constitution and Incorporation of Metropolitan Board of Works.

Metropolitan Board of Works constituted and incorporated; 20.

Two Members of Metropolitan Board to be elected for the City; 21.

Vestries of single Parishes and District Boards to elect Members of the Metropolitan Board; 22.

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Powers of Metropolitan Board to be exercised at Meetings, there being not less than Nine Members present; 29.

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Members of Metropolitan and District Boards, or of Vestries of Parishes in Schedule (A.), may resign; 33.

Retiring Members of Metropolitan Board and District Boards may be re-elected; 34.

If Vestry of any Parish in Schedule (A.) or any District Board be reduced below Two Thirds, Vacancies to be filled up; 35.

No Resolution of Metropolitan or any District Board or of Vestry of any Parish in Schedule (A.) to be revoked at a subsequent Meeting, unless under certain Circumstances; 36.

Committees may be appointed; 37.

Powers of Committee; 38.

Minutes of Proceedings of Metropolitan and District Boards and of Vestries of Parishes in Schedule (A.) to be entered; 39.

Books to be open to Inspection; 40.

Metropolitan Board and District Boards and Vestries to appoint Officers; 41.

Clerk and Treasurer not to be the same Person; 42.

Penalty on Officers, &c. being interested in Contracts or exacting Fees; 43.

Officers, &c. intrusted with Money to give Security for duly accounting for the same. If Officer fail to render Account, &c. Justices may commit Offender to Prison; 44.

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Power to Vestries and District Boards to do Works of Improvement in Sewers, &c., the Expense to be divided between the Party liable and the Parish or District; 49.

Gullyholes, &c. to be trapped; 50.

Vestries and District Boards to cause Sewers, &c. to be cleansed, and prevent them from being a Nuisance; 51.

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Vestry and Board to cause offensive Ditches, Drains, &c. to be cleansed or covered. Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased; 63.

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SCHEDULES.

A

B I L L

FOR

The better Local Management of the Metropolis.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that Provision should be made for the better Local Management of the Metropolis in respect of the Sewerage and Drainage, and the paving, cleansing, lighting, and Improvements thereof; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Application of Vestry Act, 1 & 2 *W.* 4. *c.* 60., *to all Parishes in the Metropolis, except the City.*

I. The Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Sixty, shall, subject to the Provisions herein contained, become the Law for electing Vestrymen and Auditors of Accounts, and otherwise be in force, in every Parish mentioned in either of the Schedules (A.) and (B.) to this Act, which 1 & 2 W. 4. c. 60. to be in force in all Parishes in the Metropolis, except the City.

which has not adopted such Act, in manner therein provided, in like Manner as if the Forty-third Section of the said Act were repealed, and as if every such Parish had so adopted the said Act, and Notice of such Adoption had been given as therein directed.

First Election of Vestrymen and Auditors in Parishes brought under 1 & 2 W. 4. c. 60. by this Act.

II. The First Election of Vestrymen and Auditors in any Parish in which the said Act of the First and Second Years of King William the Fourth is brought into operation as aforesaid by this Act shall be held in the Month of next after the passing of this Act, and the Day on which such Election shall commence shall be appointed by the Churchwardens of the Parish as directed by the said Act, and *Twenty-one* Days previously to the Day of Election Notice of such Election shall be given in manner directed by the said Act concerning Notice of Election of Vestrymen and Auditors, and the next such Election shall take place in the Month of *May in the Year One thousand eight hundred and fifty-seven*, and every subsequent Election shall take place annually in the Month of *May* as directed by the said Act of the First and Second Years of King William the Fourth; and all the Provisions of the said Act shall be applicable as well to the said First Election as to every subsequent Election, in like Manner as if such First Election took place in the Month of May, in manner therein directed, save as in this Act otherwise provided.

The full Number of Vestrymen to be chosen at First Election, and existing Vestries superseded.

III. At the First such Election of Vestrymen as aforesaid the full Number of Vestrymen mentioned in Section Twenty-three of the said Act of King William the Fourth shall be elected, and such Vestrymen, with such other Persons as in such Section mentioned, shall forthwith be deemed to constitute the Vestry of such Parish, and supersede any existing Vestry therein.

Term of Office of elected Vestrymen.

IV. *One Third* of the Vestrymen first elected under this Act in any Parish shall go out of Office at the Time appointed for the Election of Vestrymen in the Year One thousand eight hundred and fifty-*seven*, *One other Third* of them at the Time appointed for such Election in the Year One thousand eight hundred and fifty-*eight*, and the remaining *Third* at the Time appointed for such Election in the Year One thousand eight hundred and fifty-*nine*; and the Vestry shall at some Meeting before the Time of the Election in One thousand eight hundred and fifty-seven determine by Lot which of the Members first elected shall constitute the *One Third* to go out of Office in the Years One thousand eight hundred and fifty-*seven* and One thousand eight hundred and fifty-*eight* respectively; and all Members from Time to Time elected at the annual Elections after the First Election shall go out of Office at the Time appointed for the annual Election in the *Third* following Year; but every Vestryman going

going out of Office by Rotation shall, if qualified, be capable of being forthwith re-elected.

Term of Office of Auditors.

V. The Auditors first elected under this Act in any Parish as aforesaid shall go out of Office at the Time appointed for the Election of Vestrymen and Auditors in the Year One thousand eight hundred and fifty-*seven*, and the Auditors then elected and to be thereafter elected shall go out of Office at the Election of Vestrymen and Auditors in the Year next following their Election.

Form of Notice of Election in such Parishes.

VI. Every Notice of Election of Vestrymen and Auditors in any Parish in which the said Act of the First and Second Years of King William the Fourth is brought into operation as aforesaid by this Act shall be in the following Form, instead of the Form prescribed by the said Act:

'Parish of [*here insert Name of Parish*].

'THE Parishioners, duly qualified according to the Provisions of the 'Act of the Second Year of the Reign of King William the Fourth, 'intituled "An Act for the better Regulation of Vestries, and for the '"Appointment of Auditors of Accounts, in certain Parishes in Eng-'"land and Wales," are hereby required to meet at on the 'Day of , conformably to the Provisions of the said 'Act, and of an Act of the Year of Her Majesty Queen 'Victoria, intituled [*insert the Title of this Act*], and then and there 'to consider of and elect fit and proper Persons to be Vestrymen and 'Auditors of Accounts of the Parish of for the ensuing 'Year [*the Words "for the ensuing Year" to be omitted in the Notice 'of the First Election*]; that is to say,

'——— Members of the Vestry.
'——— Auditors of Accounts.'

Provisions for Places having no Churchwardens and no Church.

VII. The Provisions of this Act, and of the said Act of the First and Second Years of King William the Fourth, shall, so far as concerns any Parish to which this Act extends in which there are no Churchwardens, be construed as referring to the Overseers of the Poor instead of the Churchwardens; and any Notice by the said Act of the First and Second Years of King William the Fourth required to be affixed on the Doors of Churches and Chapels shall, as regards any Parish to which this Act extends in which there is no Church or Chapel, be affixed in like Manner as Notices of Vestry or other Meetings of Inhabitants of such Parish are usually affixed.

Formation of Parishes into Districts, and Constitution of District Boards.

Parishes in Schedule (B.) to be united, and form

VIII. For the Purposes of this Act the several Parishes mentioned in Schedule (B.) to this Act shall be united, and form the respective Districts mentioned in conjunction therewith and named in the

Districts, and District Board constituted.

First Column of the same Schedule; and there shall be a Board of Works for each such District, composed of the Members elected as herein-after mentioned for the Parishes forming such District.

Vestry to elect Members of District Board.

IX. The Vestry of every Parish in any such District shall on the *Day of* *in the Year One thousand eight hundred and fifty-five* elect from among themselves the Number of Persons mentioned in the Third Column of the said Schedule (B.) in conjunction with such Parish to be Members of the Board of Works for such District.

In case the relative Amounts of Population of Parishes in any District vary on any future Census, Numbers of Members to be returned to District Board may be altered.

X. When at any Time hereafter, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the Population of the several Parishes forming any such District are found to have varied from those shown by the last previous Census, it shall be lawful for the Metropolitan Board of Works constituted by this Act, upon the Application of the Vestry or any Rate-payers of any such Parish, to alter the Number of the Members of the Board of Works for such District to be elected for all or any of the Parishes therein; but so that the Number of Members to be elected for any such Parish, if exceeding Three, shall be a Number divisible by Three.

Term of Office of Members of District Boards.

XI. *One Third* of the Members of any such Board first elected for any Parish for which Three or more such Members are by this Act appointed to be elected shall go out of Office at the Time herein-after appointed for the Election of Members of such Board in the Year One thousand eight hundred and fifty-*seven*, *One other Third* of them at the Time appointed for such Election in One thousand eight hundred and fifty-*eight*, and the remaining *Third* at the Time appointed for such Election in the Year One thousand eight hundred and fifty-*nine*; and the Vestry shall at the Time of the First Election under this Act of such Members determine by Lot which of the Members first elected shall constitute the *One Third* to go out of Office in the Years One thousand eight hundred and fifty-*seven* and One thousand eight hundred and fifty-*eight* respectively; and all Members elected at any Election after the First to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office at the Election of Members of such Board in the *Third* following Year.

Annual Elections to supply Vacancies by Retirement.

XII. The Vestry of every such Parish shall on the *Wednesday in the Month of* *in the Year One thousand eight hundred and fifty-seven*, and in every subsequent Year, elect so many Vestrymen of such Parish to be Members of the Board for the District in which such Parish is comprised as may be necessary for supplying the Vacancies among the Members of such Board elected for such Parish occasioned by Expiration of the Term of Office of the Members going out of Office at the Time of such Election.

XIII. The

Provision as to Parishes not electing as many as Three Members of a District Board.

XIII. The Members of any such Board first elected for Parishes for which less than Three Members are by this Act appointed to be elected shall go out of Office on the said *Day of* *One thousand eight hundred and fifty-nine*, and Members subsequently elected for such Parishes to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office on the *Day of* in the *Third* Year following their Election; and the Vestries of such Parishes shall on the said *Day of* *in the Year* *One thousand eight hundred and fifty-nine*, and in every Third following Year, elect Members in the Place of the Members then going out of Office.

Provision as to casual Vacancies.

XIV. When any Member of any District Board dies, resigns, or ceases to be such Member, otherwise than by the Expiration of his Term of Office, the Vestry of the Parish for which he was elected shall with all convenient Speed elect a Person to be a Member of such Board in his Place; and every Member of any such Board elected to supply any such Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time.

Powers of District Boards to be exercised at Meetings, there being not less than Seven Members present.

XV. All Powers and Duties vested in the Board of Works for any District may be exercised or performed at any Meeting of such Board holden under this Act, there being not less than *Seven* Members of the Board present; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Members present; and the Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board, in pursuance of this Act.

Ordinary Meetings of District Boards.

XVI. The First Meeting of the Board of Works for any District shall be holden on the *Wednesday* in the Week next following the Election of such Board, at *Ten* o'Clock in the Forenoon, at the Place at which the Vestry of the Parish in such District first named in Schedule (B.) to this Act usually meet; and every subsequent Ordinary Meeting shall be holden on and at such Day, Time, and Place as the Board may from Time to Time appoint in this Behalf.

Special Meetings of District Boards.

XVII. A Special Meeting of any such Board may be convened by any *Five* Members of the Board, or by the Clerk of the Board, upon the Requisition in Writing of *Five* Members of the Board, by a Notice to the several Members thereof *Forty-eight* Hours at least before the Time of meeting, such Notice to be signed by the Members or Clerk convening the Meeting, and to specify the Object thereof.

Chairman to be elected at Meeting of Board.

XVIII. Every such Board shall at every Meeting of such Board, before proceeding to Business, elect a Chairman of such Meeting, and such Chairman, in case of an Equality of Votes on any Question, shall have a Second or Casting Vote.

Incorporation of Vestries and District Boards.

District Boards and Vestries of Parishes in Schedule (A.) incorporated.

XIX. The Board to be constituted as aforesaid for every such District shall be a Body Corporate by the Name of "The Board of Works for the District," and the Vestry of every Parish mentioned in Schedule (A.) to this Act shall be a Body Corporate by the Name of "The Vestry of the Parish of in the County of ", and every such Board and Vestry shall by such Name respectively have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Constitution and Incorporation of Metropolitan Board of Works.

Metropolitan Board of Works constituted and incorporated.

XX. A Board, to be called "The Metropolitan Board of Works," shall be constituted as herein-after mentioned, and such Board shall by such Name be a Body Corporate, and have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Two Members of Metropolitan Board to be elected for the City.

XXI. The Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, shall on *the Day of One thousand eight hundred and fifty-five* elect Two Persons to be Members of the said Metropolitan Board, and shall, when any Member of such Board elected by the said Mayor, Aldermen, and Commons dies, resigns, or otherwise ceases to be such Member, elect some Person in his Place.

Vestries of single Parishes and District Boards to elect Members of the Metropolitan Board.

XXII. The Vestry of each of the Parishes mentioned in the First Part of the said Schedule (A.), and the Board of Works for each of the Districts mentioned in the First Part of the said Schedule (B.), shall, at a Meeting of such Vestry and Board respectively to be holden on *the Day of One thousand eight hundred and fifty-five*, elect Two Persons to be Members of the said Metropolitan Board of Works; and the Vestry of each of the Parishes mentioned in the Second Part of the said Schedule (A.), and the Board of Works for each of the Districts mentioned in the Second Part of the said Schedule (B.), shall,

shall, at a Meeting of such Vestry and Board respectively to be holden on the last-mentioned Day, elect One Person to be a Member of the said Metropolitan Board; and every such Vestry and Board shall, when any Member of such Metropolitan Board, elected by such Vestry or District Board, dies, resigns, or otherwise ceases to be such Member, elect a Person to be a Member of the said Metropolitan Board in the Place of the Member so dying, resigning, or otherwise ceasing to be such Member.

Parishes of Paddington and Hampstead to elect a Member of the Metropolitan Board jointly.

XXIII. The Parishes of Paddington and Saint John Hampstead, mentioned in the Third Part of the said Schedule (A.), shall be united for the Purpose of electing from Time to Time a Member of the said Metropolitan Board of Works; and the Vestries of such Parishes shall, at a joint Meeting of such Vestries to be holden on the said *Day of* *One thousand eight hundred and fifty-five* at the Place where the Vestry of the Parish of Paddington usually meet, elect a Person to be a Member of the said Metropolitan Board; and when any Member of the said Metropolitan Board elected by the said Vestries dies, resigns, or otherwise ceases to be such Member, the Vestries of the said Parishes shall, at a joint Meeting of such Vestries to be holden at the Place aforesaid, elect some Person in his Place; and such Meetings shall be convened as follows; that is to say, the Vestry Clerk of the Parish of Paddington shall communicate with the Vestry Clerk of the Parish of Saint John Hampstead, and arrange with him the Time of such Meeting, and when such Arrangement has been made Notice of the Time, Place, and Object of such Meeting shall be given in such Parishes respectively in manner required for Notice of Vestry Meetings therein; and every Election to be made as aforesaid by the said Vestries jointly shall be determined by the Votes of the Majority of the Vestrymen present at the Meeting; and such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.

Boards for Districts of St. Saviour's and St. Olave to elect a Member of Metropolitan Board jointly.

XXIV. The Districts of Saint Saviour's and Saint Olave, mentioned in the Third Part of the said Schedule (B.), shall be united for the Purpose of electing from Time to Time a Member of the said Metropolitan Board of Works; and the Boards of Works of such Districts shall, at a joint Meeting of the said Boards to be holden on the said *Day of* *One thousand eight hundred and fifty-five*, at the Place of meeting of the Board of Works for the District of Saint Saviour's, elect a Person to be a Member of the said Metropolitan Board; and when any Member of the

said Metropolitan Board elected by the Boards of Works for the said Districts dies, resigns, or otherwise ceases to be such Member, the Boards of Works for the said Districts shall, at a joint Meeting of such Boards to be holden at the Place aforesaid, elect some Person in his Place; and such Meetings shall be convened as follows; that is to say, the Clerk of the Board of Works for the District of Saint Saviour's shall communicate with the Clerk of the Board of Works for the District of Saint Olave, and arrange with him the Time of such Meeting, and when such Arrangement has been made Notice of the Time, Place, and Object of such Meeting shall be given by such Clerks respectively in manner required for Notices of Special Meetings of the Boards for such Districts; and every Election to be made as aforesaid by the said Boards jointly shall be determined by the Votes of the Majority of the Members thereof present at the Meeting; and such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.

Term of Office of elected Members of Metropolitan Board.

XXV. *One Third* of the Members first elected as aforesaid of the Metropolitan Board of Works shall go out of Office on the *Second Wednesday in June One thousand eight hundred and fifty-seven*, *One other Third* of them on the *Second Wednesday in June One thousand eight hundred and fifty-eight*, and the remaining *Third* on the *Second Wednesday in June One thousand eight hundred and fifty-nine;* and such first elected Members shall determine by Lot among themselves which of them shall constitute the *One Third* to go out of Office in the Years *One thousand eight hundred and fifty-seven* and *One thousand eight hundred and fifty-eight* respectively; and all Members of the said Board elected to supply any Vacancy occasioned by any Member's going out of Office by the Expiration of his Term of Office shall go out of Office on the *Second Wednesday in June* in the *Third* Year next following the Year of his Election; and every Member of the said Board elected to supply any other Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time.

Elected Members of Metropolitan Board to nominate Three Persons to Secretary of State for the Purpose of his selecting One of them as Chairman.

XXVI. The Members first elected of the Metropolitan Board of Works shall meet at such Time and Place as One of Her Majesty's Principal Secretaries of State shall by Notice in the London Gazette appoint in this Behalf, and shall at such Meeting, or some Meeting to be holden by Adjournment thereof (which it shall be competent for the Members present to appoint), select *Three* Persons for Nomination to such Secretary of State as fit Persons for the Office of Chairman of the said Board, and shall also decide upon the Amount of Salary to be paid to such Chairman, such Salary not to be less than

than *One thousand five hundred Pounds*, and not to exceed *Two thousand Pounds* per Annum; and such Members, before proceeding at any such Meeting to such Election, or to determine the Amount of such Salary, shall choose from among the Members present a Chairman of such Meeting, and such Election shall be determined by the Votes of the Majority of the Members present, and in case of an Equality of Votes the Chairman shall have a Second or Casting Vote, and any Person shall be eligible for Nomination as aforesaid whether he be or be not a Member of the said Board; and the Names of the Persons so selected for Nomination as aforesaid, together with the Amount of Salary so fixed, shall be certified to the said Secretary of State by the Chairman of the Meeting under his Hand.

Secretary of State to return the Name of One of such Persons as Chairman.

XXVII. The said Secretary of State shall, in Writing under his Hand, return to the Chairman of the said Meeting the Name of One of the Persons so nominated to him as aforesaid, and the Person whose Name is so returned shall be Chairman of the Metropolitan Board of Works, at the Salary so fixed as aforesaid; and such Chairman shall hold his Office during good Behaviour, but shall be subject to be removed by such Secretary of State, upon a Representation agreed to by *Two Thirds* of the Members present at any Meeting specially convened for considering the Question of such Removal; and in case any elected Member of the said Metropolitan Board be appointed Chairman thereof, he shall thenceforth be a Member thereof by virtue only of his Office of Chairman, and his Place as an elected Member shall become vacant, and another shall be elected in his Stead

Appointment of Chairman on any Vacancy.

XXVIII. Upon every Vacancy in the Office of Chairman of the said Metropolitan Board a new Chairman shall be appointed, and his Salary fixed, in manner herein-before mentioned, save that the Elections of Persons for Nomination to the Secretary of State may be made at any such Meeting as may be provided in this Behalf by the Regulations for the Time being of the said Metropolitan Board.

Powers of Metropolitan Board to be exercised at Meetings, there being not less than *Nine* Members present.

XXIX. All Powers and Duties vested in the Metropolitan Board of Works may be exercised and performed at any Meeting of such Board at which not less than *Nine* Members of the Board are present; and at every such Meeting all Questions shall be determined by the Votes of the Majority of the Members present; and such Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board in pursuance of this Act, but such Board shall not be deemed to be constituted until the First Appointment of a Chairman of such Board under this Act.

Meetings of the Metropolitan Board.

XXX. The First Meeting of the said Metropolitan Board shall be holden at such Time and Place as the Chairman may appoint, of which Notice in Writing, signed by such Chairman, shall be given to each elected Member of the said Board *Forty-eight* Hours at the least before the Time of such Meeting; and the said Board may meet at such Times and Places as they may from Time to Time appoint; and a Special Meeting of the said Board may be convened by the Chairman of the said Board, or by the Clerk thereof, upon the Requisition in Writing of the Chairman or any *Five* Members of the Board, by a Notice to the several Members thereof *Forty-eight* Hours at the least before the Time of meeting, such Notice to be signed by the Chairman or Clerk convening the Meeting, and to specify the Object thereof.

Chairman to preside at Meetings during Vacancy of his Office, or in his Absence, a temporary Chairman to be chosen.

XXXI. The Chairman of the Metropolitan Board of Works for the Time being appointed under this Act shall preside at every Meeting of such Board at which he is present; and in case of a Vacancy in the Office of such Chairman, or in his Absence, some other Member of such Board shall be chosen to preside thereat; and in case there be an equal Number of Votes upon any Question, the Chairman presiding at the Meeting shall have a Second or Casting Vote.

Provisions concerning Constitution, Procedure, and Officers of Metropolitan and District Boards and Vestries.

Disqualifications of Members of Metropolitan Board and District Boards and Vestries of Parishes in Schedule (A.)

XXXII. In case any Member of the Metropolitan Board of Works, or of any District Board of Works, or of any Vestry for any Parish mentioned in Schedule (A.) to this Act, be declared bankrupt, or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or compound with his Creditors, or accept or hold any Office under the Board or Vestry of which he is a Member, or in any Manner be concerned or interested in any Contract or Work made with or executed for such Board or Vestry, in every such Case such Person shall cease to be such Member as aforesaid: Provided always, that no Person being a Shareholder of any Joint Stock Company shall be disabled from continuing or acting as a Member of any such Board or Vestry by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company; but no such Member shall vote upon any Question in which such Company is interested; and any Person who acts as a Member of any such Board or Vestry after ceasing to be such Member as aforesaid, or who, being a Shareholder in any Joint Stock Company, votes upon any Question in which such Company is interested, shall for every such Offence be liable to a Penalty of *Fifty Pounds*, which may be recovered by any Person who may sue for the same in any of the Superior Courts of Law, with full Costs of Suit: Provided also, that all Acts and Proceedings of any Person

Person ceasing to be such Member, or disabled from acting as aforesaid, shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Members of Metropolitan and District Boards, or of Vestries of Parishes in Schedule (A.), may resign.

XXXIII. Any Member of the Metropolitan Board of Works, or of any Vestry elected for any Parish mentioned in Schedule (A.) to this Act, or of the Board of Works for any District, may at any Time resign his Office, such Resignation of any Member of the Metropolitan Board of Works to be notified in Writing signed by such Member to the Chairman of such Board, and such Resignation of any Vestryman or Member of any such District Board to be notified in Writing signed by such Vestryman or Member to the Churchwardens of the Parish for which he was elected.

Retiring Members of Metropolitan Board and District Boards may be re-elected.

XXXIV. Any Member of the Metropolitan Board of Works, or of any District Board of Works, going out of Office shall, if qualified, be capable of immediate Re-election.

If Vestry of any Parish in Schedule (A.) or any District Board be reduced below Two Thirds, Vacancies to be filled up.

XXXV. If at any Time before the Time appointed in any Year for the Election of Vestrymen for any Parish mentioned in Schedule (A.) to this Act, or of Members for any District Board of Works, the Number of such Vestrymen or Members be reduced below *Two Thirds* of the full Number, the Number of Vestrymen or Members requisite for filling up such Number shall be forthwith elected in like Manner as in the Case of the annual Election of such Vestrymen or Members, and the Day of such Election shall be fixed by the Churchwardens of the Parish, and the Vestrymen or Members so elected shall go out of Office at such Time as they would have gone out of Office if they had been elected at the Time at which the next periodical Election of such Vestrymen or Members is appointed to take place

No Resolution of Metropolitan or any District Board or of Vestry of any Parish in Schedule (A.) to be revoked at a subsequent Meeting, unless under certain Circumstances.

XXXVI. No Resolution or other Act of the Metropolitan Board of Works, or of the Board of Works for any District, or of the Vestry of any Parish mentioned in Schedule (A.) to this Act, shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be specially convened for the Purpose, nor unless such Revocation or Alteration be determined upon by a Majority consisting of *Two Thirds* of the Members of the Board, or of the Vestrymen present at such subsequent Meeting, if the Number of Members or Vestrymen present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, but if the Number of Members or Vestrymen present at such subsequent Meeting be greater than the Number present at such former Meeting, then such Revocation or Alteration may be determined upon by a mere Majority.

Committees may be appointed.

XXXVII. It shall be lawful for the Metropolitan Board of Works, and the Board of Works for any District, and the Vestry of every Parish mentioned in Schedule (A.) to this Act, respectively, to appoint a Committee for any Purposes which, in the Discretion of the Board or Vestry, would be better regulated and managed by means of such Committee, and at any Meeting to continue, alter, or discontinue such Committee.

Powers of Committee.

XXXVIII. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless *Three* Members of the Committee are present.

Minutes of Proceedings of Metropolitan and District Boards and of Vestries of Parishes in Schedule (A) to be entered.

XXXIX. Entries of all Proceedings of the Metropolitan Board of Works and every such District Board, and of the Vestry of every Parish mentioned in Schedule (A.) to this Act, with the Names of the Members who attend each Meeting, shall be made in Books to be provided and kept for that Purpose, under the Direction of the Board, and shall be signed by the Members present, or any *Two* of them; and all Entries purporting to be so signed shall be received as Evidence, without Proof of any Meeting of the Board having been duly convened or held, or of the Presence at any such Meeting of the Persons named in any such Entry as being present thereat, or of such Persons being Members of the Board, or of the Signature of any Person by whom any such Entry purports to be signed, all which Matters shall be presumed, until the contrary be proved; and every such Board and Vestry shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid by them or under their Authority, and of all Liabilities incurred by them for such Purposes, and of the several Purposes for which such Sums of Money are received and paid and such Liabilities incurred, and Copies of all Contracts entered into by any such Board or Vestry.

Books to be open to Inspection.

XL. All such Books shall at all reasonable Times be open to the Examination of every Member of the Board and Vestry respectively, Churchwarden, Overseer, and Ratepayer within the Metropolis, or the District or Parish (as the Case may be), and of every Creditor on the Rates levied therein, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Members of the Board or Vestry, or any of them, or any of the Officers or Servants of the Board or Vestry having the Custody of the said Books, being thereunto reasonably requested, refuse to permit or do not permit any such Churchwarden, Overseer, Ratepayer, or Creditor to

to examine the same, or take any Copies or Extracts, every such Member, Officer, or Servant so offending shall for every such Offence, upon a Summary Conviction thereof before Two Justices, forfeit any Sum not exceeding *Ten Pounds*.

Metropolitan Board and District Boards and Vestries to appoint Officers.

XLI. The Metropolitan Board of Works, and (subject to the Provisions herein contained) the Board of Works for every District under this Act, and the Vestry of every Parish mentioned in Schedule (A.) to this Act, shall respectively appoint or employ, or continue for the Purposes of this Act, and may remove at pleasure, a Clerk, Treasurer, and Surveyor, and such other Officers and Servants as may be necessary, and may allow to such Clerk, Treasurer, Surveyor, Officers, and Servants respectively such Salaries and Wages as the Board or Vestry may think fit.

Clerk and Treasurer not to be the same Person.

XLII. No Person holding the Office of Treasurer under the Metropolitan Board, or any District Board or any such Vestry, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of *One hundred Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

XLIII. No Officer or Servant of the Metropolitan Board, or of any District Board or any such Vestry, shall be in anywise concerned or interested in any Contract or Work made with or executed for such Board or Vestry; and if any such Officer or Servant be so concerned or interested, or, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under such Board or Vestry, and shall forfeit and pay the Sum of *Fifty Pounds*, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law; provided that no Person, being a Shareholder of any Joint Stock Company, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company.

Officers, &c. intrusted with Money to give Secu-

XLIV. Before any Officer or Servant as aforesaid enters upon any Office or Employment under this Act, by reason whereof he will or may

rity for duly accounting for the same.

may be intrusted with the Custody or Control of Money, the Board or Vestry shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer and Servant, as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Board or Vestry, make out and deliver a true and perfect Account, in Writing signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall together with such Account deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer or such Person as the Board or Vestry may appoint all Monies owing by him; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if, for the Space of *Five* Days after being thereunto required, he fail to deliver up to the Board or Vestry, or to such Person as they may appoint, all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Board or Vestry, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices, at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him or left at his last known Place of Abode in England, and if it appear to the last-mentioned Justices that he has failed to render any such Account, or to produce and deliver up any such Vouchers or Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appears that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain, without Bail, for a Period not exceeding *Three Months*, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any

If Officer fail to render Account, &c. Justices may commit Offender to Prison.

any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal to cause him to be forthwith apprehended; and in such Case the said Party shall, within *Twenty-four* Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Metropolitan and District Boards and Vestries of Parishes in Schedule (A.) to provide proper Offices, and daily Attendance to be given.

XLV. The Metropolitan Board of Works and every such District Board and Vestry respectively shall provide and maintain such Offices as may be necessary for the Purposes of this Act, and shall take care that their Clerk, or some Person duly authorized by them in that Behalf, attends at their Office daily (Sundays, Christmas Day, and Good Friday, and Days appointed for any General Fast or Thanksgiving, alone excepted), for the Purpose of receiving Notices and transacting the ordinary Business of the Board or Vestry under this Act.

Duties and Powers of Vestries and District Boards.

"Vestry" in following Provisions to mean Vestry of a Parish in Schedule (A.)

XLVI. Where in the Provisions herein-after contained any Expression is used referring to the Vestry of a Parish, such Expression shall be construed as referring only to the Vestry of a Parish mentioned in Schedule (A.) to this Act, unless such Construction be repugnant to the Context.

Sewers (except Main Sewers) vested in Vestries and District Boards.

XLVII. Upon the *Commencement of this Act*, all Sewers vested in the Metropolitan Commissioners of Sewers which are situate in any Parish mentioned in Schedule (A.) to this Act (except such Sewers as are mentioned in Schedule (D.) to this Act), with all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, shall become vested in the Vestry of such Parish; and all Sewers vested in the said Metropolitan Commissioners which are situate within any District mentioned in Schedule (B.) to this Act, except as before excepted, with all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, shall become vested in the Board of Works for such District; and all Sewers which any such Vestry or Board from Time to Time cause to be made under this Act shall be vested in such Vestry and Board respectively.

Vestries and District Boards to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

XLVIII. The Vestry of every Parish mentioned in Schedule (A.) to this Act, and the Board of Works for every District mentioned in Schedule (B.) to this Act, shall (subject to the Control of the Metropolitan Board of Works) from Time to Time repair and maintain the Sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made, repaired, and maintained such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining their Parish or District, and shall cause any Banks or Defences abutting on any River, Stream, Canal, or Watercourse in such Parish or District to be raised, strengthened, or altered, where it may be necessary so to do, for effectually draining, or protecting such Parish or District from Floods or Inundation; and it shall be lawful for the Commissioners to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for any such Vestry or Board from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the Discontinuance, Closing up, Destruction, or Alteration of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any covered Sewer, it shall be the Duty of the Vestry or District Board to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Vestry or District Board alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private Drains communicating with the Sewer so altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

Power to Vestries and District Boards to do Works of

XLIX. Wherever any Party is, by Prescription, by reason of Tenure, or otherwise, liable by Law to maintain or do any Repairs to Sewers,

Sewers, Banks, Watercourses, or Works in any such Parish or District which the Vestry or District Board judge it necessary to alter or improve, it shall be lawful for them to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the Parish, District, or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the Parish, District, or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing herein contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the Parish or District.

L. Every District Board and Vestry shall, by providing proper Traps or other Coverings, or by Ventilation, or by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within their District or Parish.

Gullyholes, &c. to be trapped.

LI. Every Vestry and District Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary.

Vestries and District Boards to cause Sewers, &c. to be cleansed, and prevent them from being a Nuisance.

LII. If any House or Building, whether built before or after the Commencement of this Act, situate within any such Parish or District, be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Vestry or Board of such Parish or District, and if a Sewer of sufficient Size pass along any Street, and within *One hundred* Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Vestry or Board, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as may be appointed by the Vestry or Board, to construct and make from such House or Building into the nearest Common Sewer a covered Drain, of such

Vestry or District Board in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building, and also, if practicable, of its Areas, Waterclosets, Privies, and Offices, (if any,) and to carry and to convey the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide a fit and proper Trap affixed to the Mouth of such Drain, to the Satisfaction of the Vestry or Board; and if the Owner of such House or Building neglect or refuse, during *Twenty-eight* Days after the said Notice has been delivered to such Owner, or left at such House or Building, to begin to construct such Drain, or thereafter fail to carry it on and complete it, with all reasonable Despatch, it shall be lawful for the Vestry or Board to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Owner in the Manner herein-after provided.

Penalty on Owner, &c. for Neglect.

No House to be built without Drains constructed to the Satisfaction of the Vestry or District Board.

LIII. It shall not be lawful to erect any House or other Building in any Parish mentioned in Schedule (A.) to this Act, or in any District mentioned in Schedule (B.) to this Act, or to rebuild any House or Building within any such Parish or District which has been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House or Building so newly built or rebuilt, unless a Drain be constructed to the Satisfaction of the Vestry of such Parish or Board of Works for such District, of such Materials, of such Size, at such Level, and with such Fall as they may direct, so that the same shall be available for the Drainage of the lowest Floor of such House or Building, and also of its Areas, Waterclosets, Privies, and Offices (if any), which Drain shall lead from the House or Building, or intended Site of such House or Building, to such Sewer, already made or intended to be constructed near thereto, as the Vestry or Board shall direct and appoint, or if there be no such Sewer existing or intended to be constructed within *One hundred* Feet of any Part of the intended Site of such House or Building, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Vestry or Board shall direct; and whenever any House or Building is rebuilt as aforesaid, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before required, and for that Purpose the Levels shall be taken and determined under the Direction of the Vestry or District Board.

Notice of Buildings to be given to the Vestry or District Board before commencing the same.

LIV. Before beginning to lay or dig out the Foundation of any new House or Building within any such Parish or District, or to rebuild any House or Building therein, and also before making any Drain for the Purpose of draining directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of or for any such Parish or District, *Fourteen* Days Notice in Writing shall be

be given to the Vestry or Board, by the Person intending to build or rebuild such House or Building or to make such Drain; and every such Foundation shall be laid at such Level as will permit the Drainage of such House or Building in compliance with this Act, and as the Vestry or Board shall order; and every such Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, as the Vestry or Board shall order, and the making of every such Drain shall be under the Survey and Control of the Vestry or Board; and in default of such Notice, or if such House, Building, or Drain be begun or erected or made without or in any respect contrary to any Order of the Vestry or Board or the Provisions of this Act, it shall be lawful for the Vestry or Board to cause such House or Building to be demolished or altered, and to cause such Drain to be relaid, amended, or re-made, as the Case may require, and to recover the Expenses thereof from the Owner thereof in the Manner herein-after provided.

Private Drains may be branched into Sewers constructed by Vestry or District Board under certain Regulations.

LV. It shall be lawful for any Person, at his own Expense, to make or branch any Drain into any of the Sewers vested in any Vestry or District Board under this Act, or authorized to be made by them under this Act, of such a Size and in such a Manner and Form of Communication in all respects as the Vestry or Board shall direct or appoint; and in case any Person make or branch any Drain into any of the said Sewers so vested in the Vestry or Board, or authorized to be made by them under this Act, of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Vestry or Board, every Person so offending shall for every such Offence forfeit a Sum not exceeding *Fifty Pounds*.

Power to Vestry or District Board to branch private Drains into Sewers, at the Expense of the Party to whom they shall belong.

LVI. Whenever it is necessary to open any Part of the Pavement or any Street or public Place, for the Purpose of making or branching any private Drain into any of the Sewers or Drains vested in any Vestry or District Board under this Act, or authorized to be made by them under this Act, it shall be lawful for the Vestry or Board, in case they think fit so to do, to make so much and such Part of such private Drain, and also to construct so much and such Part of the Work necessary for branching the same into the public Sewers as shall be under or in any Street, and to recover the Expenses incurred thereby from the Owner of the House, Building, or Ground to which such private Drain belongs, in the Manner herein-after provided.

Vestry or District Board may agree to make House Drains at the Expense of Owners.

LVII. It shall be lawful for any such Vestry or Board to contract and agree with the Owners of any Houses, Buildings, or Ground that any Drains required to be made, altered, or enlarged by such Owners shall be constructed, made, altered, and enlarged by the Vestry or Board; and the Cost Price of making, altering, or enlarging such

Drains, as certified by the Surveyor of the Vestry or Board, shall be repaid by such Owners to the Vestry or Board, and in default of Payment the same may be recovered in the Manner herein-after provided.

Penalty on erecting Houses without proper Watercloset, &c.

LVIII. After the *Commencement of this Act* it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, within any Parish mentioned in Schedule (A.) to this Act, or any District mentioned in Schedule (B.) to this Act, without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings; and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding *Twenty Pounds;* and if at any Time it appear to the Vestry or District Board of such Parish or District that any House in any such Parish or District, whether built before or after the Commencement of this Act, is without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, the Vestry or District Board shall, in case the same can be provided without disturbing any Building, give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Watercloset or Privy and Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Vestry or District Board to cause to be constructed a sufficient Watercloset or Privy and Ashpit, or either of them, or do such other Works as the Case may require; and to recover the Expenses incurred by them in so doing from the Owner of such House in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Vestry or District Board a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

All Houses to have proper Watercloset, &c.

Drains, Privies, &c. to be kept in good Order by Owners or Occupiers.

LIX. All Drains, Privies, Ashpits, and Cesspools within any such Parish or District as aforesaid shall be repaired and kept in proper Order at the Costs and Charges of the Owners or Occupiers of the Houses or Buildings to which the same belong; and if the Owner or Occupier of any House or Building to which any such Drain, Privy, Ashpit, or Cesspool belongs neglect to repair and to put the same into good Order during *Fourteen* Days after Notice in Writing for that Purpose, signed by the Clerk or other Officer of the Vestry or Board, has been given to such Owner or Occupier, or left upon the Premises, it shall be lawful for the Vestry or Board to order such Drain, Privy, Ashpit, or Cesspool to be repaired and put in good Order, and to recover the Expenses thereof from such Owner in the Manner herein-after provided.

LX. It

Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools.

LX. It shall be lawful for any such Vestry or Board, or for their Surveyor or Inspector, or such other Person as they appoint, to inspect any Drain, Privy, or Cesspool within the Parish or District of such Vestry or Board, and for that Purpose, at all reasonable Times in the Daytime, after *Twenty-four* Hours Notice in Writing has been given to the Occupier of the Premises to which such Drain, Privy, or Cesspool is attached, or left upon the Premises, or in case of Emergency without Notice, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Premises, and cause the Ground to be opened in any Place they think fit, doing as little Damage as may be.

Penalty on Persons improperly making or altering Drains.

LXI. In case any Drain, Privy, or Cesspool be found, on Inspection, not to have been made according to the Directions or Regulations of the Vestry or District Board, or contrary to the Provisions of this Act, or in case any Person without the Consent of the Vestry or District Board construct, rebuild, or unstop any Sewer, Drain, Privy, or Cesspool which may have been ordered by them not to be made or to be demolished or stopped up, or in case any Person without the Consent of the Vestry or District Board break into any Sewer vested in such Vestry or Board, every Person so offending shall forfeit and pay any Sum not exceeding *Ten Pounds;* and in case the Person so making any Sewer, Drain, Privy, or Cesspool contrary to the Directions or Regulations of the Vestry or Board, or contrary to the Provisions of this Act, or without such Consent as aforesaid constructing, rebuilding, or unstopping any Sewer, Drain, Privy, or Cesspool which may have been ordered to be demolished or stopped up, or breaking into any such Sewer as aforesaid, do not within *Fourteen* Days after Notice in Writing by the Vestry or Board cause such Sewer, Drain, Privy, or Cesspool to be altered or reinstated in conformity with the Directions of the Vestry or Board, or, as the Case may be, to be demolished or stopped up, then and in every such Case the Vestry or Board may cause the Work to be done, and the Expenses thereof shall be paid by the Person who has so made such Sewer, Drain, Privy, or Cesspool contrary to the Directions or Regulations of the Vestry or Board, or of this Act, or, without such Consent, constructed, rebuilt, or unstopped any Sewer, Drain, Privy, or Cesspool which they may have ordered to be demolished, or stopped up, or who without such Consent has broken into such Sewer as aforesaid.

Where no Default found Expenses to be paid by Vestry or Board.

LXII. If such Drain, Privy, or Cesspool be found on Inspection as aforesaid to be made to the Satisfaction of the Vestry or Board, and in proper Order and Condition, they shall cause the same to be closed and made good as soon as may be, and the Expenses of opening, closing, and making good such Drain, Privy, or Cesspool shall

shall be defrayed by the Vestry or Board, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the opening of any such Drain, Privy, or Cesspool

Vestry and Board to cause offensive Ditches, Drains, &c. to be cleansed or covered.

LXIII. Every Vestry and District Board shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, which may be situate in their Parish or District; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Filth, Water, Matter, or Thing, or to do such other Works as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Vestry or Board shall execute such Works as may be necessary for the Abatement of such Nuisance, and may recover the Expenses thereby incurred from the Owner of the Premises in manner herein-after mentioned: Provided always, that it shall be lawful for such Vestry or Board, where they think it reasonable, to defray all or any Portion of such Expenses, as Expenses of Sewerage are to be defrayed under this Act: Provided also, that where any Work by any Vestry or District Board done or required to be done in pursuance of the Provisions of this Act interferes with or prejudicially affects any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby, in manner herein-after provided, or it shall be lawful for the Vestry or Board, if they think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Vestry or Board herein-after authorized shall be applicable to every such Purchase as aforesaid.

Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased.

Power to Vestries and Boards to fill up Ditches by the Side of Roads, and substitute Pipes.

LXIV. It shall be lawful for any Vestry or District Board, where they think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches

Ditches may, if the Vestry or Board so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

Power to Vestries and Boards to provide public Conveniences.

LXV. It shall be lawful for every Vestry and District Board to provide and maintain Urinals, Waterclosets, Privies, and like Conveniences, in Situations where they deem such Accommodation to be required, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, as Expenses of Sewerage are to be defrayed under this Act.

All Powers relating to Paving, &c. to be vested in Vestries and in District Boards.

LXVI. Subject to the Provisions in this Act contained, all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A.) to this Act, or any Part of such Parish, which are vested in the Vestry of such Parish under any Act of Parliament, shall continue vested in, and be performed and exercised by, the Vestry thereof under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A.) to this Act, or any Part of any such Parish, now vested under any Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, shall cease to be so vested and become vested in and be performed and exercised by the Vestry of such Parish under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to this Act, or any Part of such Parish, now vested in any Commissioners, Vestry, or other Body under any Act of Parliament, shall from and after the *Commencement of this Act* cease to be so vested, and become vested in and be performed and exercised by the Board of Works for such District.

Transfer of Property.

LXVII. All Property, Matters, and Things whatsoever vested in such Commissioners or other Body under any such Act, in connexion with any such Duties or Powers as aforesaid, hereby transferred to the Vestry of any Parish or the Board of Works for any District, shall upon the *Commencement of this Act* be vested in such Vestry or Board; and where any such Property, Matters, or Things are vested in any such Commissioners or Body acting for Parts extending beyond such Parish or District, the Metropolitan Board of Works shall by their Order declare in what Vestry or District Board they shall be vested, and may, if they see fit, appor-

tion the same between the Vestries and District Boards within whose respective Districts and Parishes such Parts may be situate, and the same shall be vested accordingly.

Existing Contracts, &c. to remain valid.

LXVIII. Provided always, That all Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of or by such Commissioners or Body, or any Person in their Behalf, before the Commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against such Commissioners or Body shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all Monies coming to such Commissioners or Body under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, and which would have been applicable by them, if this Act had not been passed, for the Purposes of such paving, lighting, watering, cleansing, or improving, shall be paid over to such Vestry or Board, or as they may direct, and be applied for the like Purposes; and all Monies and Liabilities which such Commissioners or Body would have been liable to pay or discharge, under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates to be levied under any such Powers as aforesaid, if this Act had not been passed, shall be paid out of Rates to be levied by such Vestry or Board as herein-after provided.

Powers and Duties of Surveyors of Highways, and Property vested in them, transferred to Vestries and District Boards.

LXIX. Every Vestry and District Board shall, within their District or Parish (exclusively of any other Persons whatsoever), execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, and Duties, and be subject to all such Liabilities, as any Surveyor of Highways in England is now or may hereafter be invested with or liable to by virtue of his Office under the Laws for the Time being in force, so far as such Powers, Authorities, Duties, and Liabilities are not inconsistent with this Act; but all Expenses which under any such Law ought to be defrayed by Highway Rates shall be defrayed by means of the Rates to be raised under this Act, and all Monies which would be applicable in aid of such Highway Rates shall be applied in aid of the said Rates to be raised under this Act; and all Streets being Highways, and the Pavements, Stones, and other Materials thereof, and all other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, or by any Vestry or District Board under this Act, shall vest in and be under the Management and Control of the Vestry or District Board of the Parish or District in which such Highways are situate.

LXX. Pro-

Saving of Rates already made.

LXX. Provided always, That all Rates made previously to the Commencement of this Act for defraying the Expenses of executing any such Duties, Powers, and Authorities as aforesaid for or in relation to paving, lighting, watering, cleansing, or improving, and all Highway Rates made previously to such Commencement, or so much of such respective Rates as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and, subject to the Payment or Retainer thereout of any Sum or Expenses lawfully payable out of such respective Rates, shall, where such Rates are levied in a Parish mentioned in Schedule (A.) to this Act, be accounted for and paid over to the Vestry of such Parish, and shall, where levied in any other Parish, be accounted for and paid over to the Board of Works for the District in which such Parish is comprised.

Vestry or District Board to pave Streets.

LXXI. It shall be lawful for every Vestry and District Board from Time to Time to cause all or any of the Streets within their Parish or District, or any Part thereof respectively, to be paved or repaired, when and as often and in such Form and Manner and with such Materials as such Vestry or Board think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they think proper, and all Mains and Pipes in or under such Street to be taken up, and new laid in such Places, Manner, and Form as they judge best.

Owners possessing Freehold of Courts, &c. to pave the same.

LXXII. Provided always, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, is vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner.

Owner of Courts to drain them, and keep the Pavement, &c. in repair.

LXXIII. The Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, to the Satisfaction of the Vestry or District Board of the Parish or District in which the same is situate, sufficiently pave the same, and lay, at a proper Level, through, over, under, or along such Part thereof as such Vestry or Board may require, a Drain, Channel or Gutter, and keep such Pavement, and Drain, Channel, or Gutter, in good Repair, to the Satisfaction of such Vestry or Board; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, do not sufficiently pave the same as aforesaid, or do not lay down therein such Drain, Channel, or Gutter, or do not repair the same respectively, to the Satisfaction of such Vestry or Board, within *Fourteen* Days after Notice in Writing requiring him so to do has been given to him by such Vestry or Board, every such Person so offending shall forfeit and pay any Sum not exceeding *Five Pounds.*

Penalty on Owners for Neglect.

Vaults and Cellars under Streets not to be made without the Consent of the Vestry or Board.

LXXIV. No Vault, Arch, or Cellar shall be made under any Street without the Consent of the Vestry or District Board of the Parish or District in which the same is situate; and all such Vaults, Arches, and Cellars hereafter to be made within any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act shall be substantially made, and so as not to interfere or communicate with any Drain or Sewer under the Control of any Vestry or District Board, or of the Metropolitan Board of Works, without their Consents respectively first obtained; and if any Vault, Arch, or Cellar be made contrary to this Provision, it shall be lawful for the Vestry or District Board, or for the Metropolitan Board of Works, to fill up or alter the same, and the Expenses incurred thereby shall be paid by the Owner of such Vault, Arch, or Cellar.

Vaults, &c. under Streets to be repaired by Owners or Occupiers.

LXXV. All Vaults, Arches, and Cellars made either before or after the Commencement of this Act under any Street in any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act, and all Openings into the same in any such Street, shall be repaired and kept in proper Order by the Owners or Occupiers of the Houses or Buildings to which the same respectively belong; and in case any such Vault, Arch, or Cellar be at any Time out of Repair, it shall be lawful for the Vestry or District Board of such Parish or District to cause the same to be repaired and put into good Order, and to recover the Expenses thereof from such Owner in the Manner herein-after provided.

Provisions for paving new Streets.

LXXVI. In case the Owners of the Houses forming the greater Part of any new Street laid out or made or hereafter to be laid out or made, which is not paved to the Satisfaction of the Vestry or District Board of the Parish or District in which such Street is situate, be desirous of having the same paved, as herein-after mentioned, or if such Vestry or Board deem it necessary or expedient that the same should be so paved, then and in either of such Cases such Vestry or Board shall well and sufficiently pave the same, either throughout the whole Breadth of the Carriageway and Footpaths thereof, or any Part of such Breadth, and from Time to Time keep such Pavement in good and sufficient Repair; and the Owners of the Houses forming such Street shall, on Demand, pay to such Vestry or Board One equal Third Part of the Amount of the estimated Expenses of providing and laying such Pavement (such Amount to be determined by the Surveyor for the Time being of the Vestry or Board); and in case such estimated Expenses exceed the actual Expenses of such paving, then the Difference between the *Third* Part of such estimated Expenses and the *Third* Part of such actual Expenses shall be repaid by the said Vestry or Board to the Owners of Houses by whom the said Sum of Money has been paid; and in case the said estimated

estimated Expenses be less than the actual Expenses of such paving, then the Owners of the said Houses shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with the Sum already paid, amounts to *One Third* Part of such actual Expenses.

Vestry or Board may declare any Street not being a Highway to be such.

LXXVII. The Vestry or District Board of any Parish or District may, if they think fit, by Notice in Writing put up in any Part of any Street in their Parish or District, not being a Highway, declare the same to be a Highway, and thereupon the same shall become a Highway, and be from Time to Time repaired by them under the Authority of this Act: Provided always, that no Street shall become a Highway as last aforesaid if within *One Month* after Notice in Writing has been put up as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the Vestry or Board object thereto. Proviso.

Vestries and District Boards may place Fences, &c. to Footways.

LXXVIII. It shall be lawful for every Vestry and District Board from Time to Time to place any Posts, Fences, and Rails on the Sides of any Footways or Carriageways in their Parish or District, for the Purposes of Safety, and to prevent any Carriage or Cattle from going on the same, and also to place any Posts or other Erections in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair and renew any such Posts, Rails, or Fences, or to remove the same, or any other Obstruction or Encroachment on any Carriageway or Footway.

Pavement not to be taken up without Consent of Vestry or Board.

LXXIX. No Company or Person shall take up the Pavement or otherwise disturb the Surface of any Street, for the Purpose of laying down, altering, or removing any Pipe, or for any other Purpose whatsoever, save in the Case of the breaking or bursting of any Pipe or other like Emergency, without the previous Consent in Writing of the Vestry or District Board of the Parish or District in which the same is situate, every such Consent to state the Name of the Street in which the Pavement is permitted to be taken up, and the Number of Square Feet of Pavement which may be removed or disturbed; and every Company or Person offending against this Enactment shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and shall, within *Twenty-four* Hours after Notice in Writing from the Vestry or District Board, cause such Pavement to be reinstated and put into its former State, or such Obstruction to be removed.

Notice to be given by Companies, &c. previously to laying down or altering

LXXX. If any Company or Person be desirous of laying down in any Street any new Line of Main Pipes for Water, Gas, or other Purposes, or of altering the Pipes or the Line of any existing Main in any Street, they or he shall give at least *One Month's* Notice in Writing to the Vestry or District Board of the Parish or District in which the same

Line of Pipes.

same is situate, of such Desire, and shall state in such Notice the Name of the Street and the particular Part thereof in which such Line of Main Pipe is intended to be laid down or altered, and the Material and Diameter of such Pipes, and the Day on which the Work is proposed to be commenced, and the Time within which it will be completed.

Streets not to be broken up, except under the Superintendence of Vestry or Board.

Streets broken up to be reinstated without Delay.

LXXXI. Whenever it is necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened under the Superintendence of the Vestry or District Board of the Parish or District in which the same is situate, and at such Time and in such Manner as they shall direct; and such Company or Person shall with all convenient Speed complete the Work on account of which the same is broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil is so broken up or opened to be fenced and guarded, and shall set up and maintain, upon or against the Part of the Pavement, Surface, or Soil so broken up or opened, a sufficient Light during every Night that such Pavement or Surface or Soil is continued open or broken up.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents.

LXXXII. If any Company or Person authorized to break up or open any of the Pavement or Surface of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, do not with due Diligence cause the Ground to be filled in, and the Pavement to be reinstated, and the Surface to be made good, in a proper and substantial Manner, or do not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground is open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and also a further Sum not exceeding *Forty Shillings* for every Day during which such Offence continues; and no such Pavement shall be considered to have been reinstated in a proper and substantial Manner by any such Company or other Person unless the same have been reinstated with the same or similar Materials of the like Quality and Thickness and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as is satisfactory to the Vestry or Board.

Power to Vestry or Board to reinstate Pavement, and charge

LXXXIII. Provided always, That whenever the permanent Surface or Soil of any Street is broken up or opened, it shall be lawful for the Vestry or District Board of the Parish or District in which the same is situate, in case they think it expedient so to do, to fill in the Ground

Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil is broken up or opened; and the Expenses of filling in such Ground and of making good the Pavement or Soil so broken up or opened shall be repaid, on Demand, to the Vestry or Board by such Company or Person.

the Expenses to the Parties.

LXXXIV. In case any Part of the Pavement of any Street be sunk, broken, injured, or damaged, by reason of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water, Gas, or other Company, it shall be lawful for the Vestry or District Board of the Parish or District in which such Pavement is situate, if they deem it expedient so to do, to cause Notice to be given to the Company to whom such Pipe is supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if the Company to whom such Notice is given do not, within *Twenty-four* Hours next after such Notice, take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Vestry or District Board, then such Company so offending shall for every such Offence forfeit and pay any Sum not exceeding *Twenty Pounds*.

Vestry or Board to direct Pavements injured by Water or Gas Pipes to be repaired by the Company to which they belong.

Penalty for Neglect.

LXXXV. Provided always, That in case it be discovered, after any Pavement in any Street has been taken up by any Company, and the Ground opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended does not belong to the Company to whom such Notice has been given as aforesaid, but to some other Company, then such first-mentioned Company to whom such Notice has been so given as aforesaid shall, within *Twenty-four* Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Company to whom such Pipe belongs, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice was given as aforesaid; and such other Company to whom such last-mentioned Notice is given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have

Company opening the Ground to repair a Pipe discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses.

have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement has been first taken up, and who have opened the Ground, neglect to give the Notice hereby required to the Company to whom such Pipe actually belongs, such Company so neglecting shall for every such Offence forfeit and pay any Sum not exceeding *Twenty Pounds*.

Power for Vestry or Board to contract with Company for restoring Pavements.

LXXXVI. It shall be lawful for the Vestry or District Board of any Parish or District to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within such Parish or District, for the filling in, paving, and restoring of such Parts of the said Streets as may be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Vestry or Board to cause Names of Streets, &c. to be painted, and Houses numbered.

LXXXVII. It shall be lawful for any Vestry or District Board from Time to Time to cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, or Entrance of every Street in their Parish or District the Name by which such Street is to be known, and from Time to Time to alter the Name of any Street, with the Consent of the major Part of the Owners of the Houses or Buildings therein, and to call it by any other Name which such Vestry or Board may see fit, and also to cause every House or Building in every such Street to be numbered, in such Manner as they judge most proper for distinguishing the same, which Number shall alone be allowed to be affixed to such House or Building; and if any Person wilfully or maliciously destroy, pull down, obliterate, or deface any such Number or any Part thereof, or affix or paint or set up any Number different from the Number directed by the Vestry or Board, he shall for every such Offence forfeit a Sum not exceeding *Forty Shillings*; and it shall be lawful for the Vestry or Board to cause such Number so painted or affixed contrary to their Directions to be obliterated or destroyed.

Numbers of Houses to be renewed by Occupiers.

LXXXVIII. The Occupiers of Houses or Buildings shall renew the Numbers of their Houses or Buildings as often as they are obliterated or defaced.

Watering of Streets.

LXXXIX. Every Vestry and District Board shall have full Power and Authority to cause all or any of the Streets in their Parish or District to be watered as often as they think fit, and also to cause any Wells to be dug and sunk in such Places as they think proper, and also to erect and fix any Pumps in any public Places, for the more effectual Supply of Water to the Inhabitants of the Parish or District.

XC. It

Vestry or Board may cause Footways to be cleansed.

XC. It shall be lawful for every Vestry and District Board to cause any Footway within their Parish or District to be scraped, swept, or cleansed in such Manner and at such Times as they think fit; but this Enactment shall not relieve any Occupier of any House or Building from any Liability to scrape, sweep, or cleanse, or cause to be scraped, swept, or cleansed, any Part of any such Footway, or from any Penalty for Neglect so to do.

Owners, &c. to remove future Projections, on Notice from Vestry or Board.

XCI. If any Vestry or District Board consider any Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction placed or made against or in front of any House or Building after the Commencement of this Act, to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street in their Parish or District, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same, in such Manner as the Vestry or Board think fit; and such Owner or Occupier shall within *Fourteen* Days after the Service of such Notice upon him remove such Projection or Obstruction, or alter the same in the Manner directed by the Vestry or Board; and if the Owner or Occupier of any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same, in the Manner directed by the Vestry or Board, he shall forfeit any Sum not exceeding *Five Pounds*, and a further Sum not exceeding *Forty Shillings* for every Day during which such Projection or Obstruction continues after the Expiration of such *Fourteen* Days.

Penalty for Neglect.

Vestry or Board may remove existing Projections, and make Compensation for the same.

XCII. It shall be lawful for every Vestry and District Board, if they consider any Projection or Obstruction which has been placed or made against or in front of any House or Building in any such Street before the Commencement of this Act to be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Vestry or Board shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Projection or Obstruction shall be, *Seven* Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal.

Hoards to be erected during Repairs.

XCIII. Every Person who shall build or begin to build, or to take down or begin to take down, any House, Building, or Wall, or alter or

or repair, or begin to alter or repair, the outward Part of any House, Building, or Wall, shall, in all Cases in which the Footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient Hoard or Fence, with a convenient Platform and Handrail, if there be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Vestry or District Board of the Parish or District in which such House, Building, or Wall is situate, during such Time as may be necessary for the Public Safety or Convenience, and shall, in all Cases in which the same is necessary to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who fails to put up such Hoard or Fence and such Platform, with such Handrail as aforesaid, or who does not, whilst the said Hoard or Fence is standing, keep the same well lighted during the Night, shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum not exceeding *Forty Shillings* for every Day during the Continuance of such Default.

Penalty on not erecting Hoards.

No Hoard to be erected without Licence from Vestry or Board.

XCIV. It shall not be lawful for any Person to erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence in Writing first had and obtained from the Vestry or District Board of the Parish or District in which such Street is situate, under the Hand of their Clerk or Surveyor; and every such Licence shall state the Place where and the Purpose for which such Hoard or Fence, Scaffold or Inclosure, is to be set up or made, and the Size thereof, and the Time for which it is to be permitted to continue.

If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Vestry or Board, the same may be removed.

XCV. If any Person erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence from the Vestry or District Board, or do any such Act as aforesaid in any other Manner than as permitted by such Licence, or continue the same beyond the Time stated in such Licence, or fail to keep any Hoard, Fence, Platform, or Handrail in good Repair, he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum not exceeding *Forty Shillings* for every Day during the Continuance of such Offence; and it shall be lawful for the Vestry or Board to cause such Hoard, Fence, Scaffold, or Inclosure to be pulled

pulled down, and the Materials thereof, and also all the Bricks, Mortar, Lime, or other Building Materials, or other Matters or Things contained within any such Inclosure, to be removed, and deposited in such Place as the Vestry or Board may think fit, and to be kept until the Charges of pulling down and removing the same be paid to the Vestry or Board; and in case the same be not claimed and the said Charges paid within the Space of *Eight* Days next after such Seizure thereof, it shall be lawful for the Vestry or Board to order the same to be sold, and by and out of the Proceeds of such Sale to pay such Charges, rendering any Surplus to the Owner or other Person by Law entitled thereto; and in case the Proceeds of such Sale be insufficient to cover such Charges, and the Charges of selling and disposing of such Materials, Matters, and Things, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things to the Vestry or District Board, on Demand.

Vestries and District Boards to appoint Scavengers.

XCVI. It shall be lawful for every Vestry and District Board to appoint and employ a sufficient Number of Persons, or to contract with any Company or Persons, for the sweeping and cleansing of the several Streets within their Parish or District, and for collecting and removing all Dirt, Ashes, Rubbish, and Filth, and for the cleansing out and emptying of Privies and Cesspools, Sewers and Drains, in or under Houses and Places within their Parish or District; and such Company or Persons are herein-after referred to as Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Vestry or District Board shall from Time to Time appoint, sufficiently execute and perform all such Works and Duties as they respectively are employed or contract to execute or perform; and if any such Company or Person fail in any respect properly to execute and perform such Works and Duties such Company or Person shall for every such Offence forfeit a Sum not exceeding *Five Pounds*.

Penalty for obstructing Scavengers in Performance of their Duty.

XCVII. Any Occupier of any House or Land or other Person who refuses or does not permit any Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with any Vestry or Board as aforesaid, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding *Five Pounds*.

Refuse collected to be vested in Vestry or Board, who may dispose

XCVIII. All Dirt, Dust, Nightsoil, Ashes, and Rubbish to be collected as aforesaid shall be the Property of such Vestry or Board, and such Vestry or Board shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and

of the same towards defraying their Expenses.

the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own Use, and the Money arising from the Sale thereof shall be applied towards defraying the Expenses of the Execution of this Act, other than the Sewerage Expenses.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades.

XCIX. In case any Scavenger be required by the Owner or Occupier of any House or Land to remove the Refuse of any Trade, Manufacture, or Business, or of any Building Materials, such Owner or Occupier shall pay to the Scavenger a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by Two Justices.

Dispute as to what is Refuse of Trade, &c. to be determined by Justices.

C. If any Dispute or Difference of Opinion arise between the Owner or Occupier of any such House or Land and the Scavengers required to remove such Refuse, as to what shall be considered as Refuse, it shall be lawful for any Two Justices, upon Application made to them by either of the Parties in difference, to determine whether the Subject Matter of Dispute is or is not Refuse of Trade, Manufacture, or Business, and in every such Case the Decision of such Justices shall be final and conclusive.

Vestries and District Boards to cause Streets to be lighted.

CI. Every Vestry and District Board shall cause the several Streets within their Parish or District to be well and sufficiently lighted, and for that Purpose shall maintain, or set up and maintain, a sufficient Number of Lamps in every such Street, and shall cause the same to be lighted with Gas or otherwise, and to continue lighted at and during such Times as such Vestry or Board may think fit, necessary, or proper; and all public Lamps, and the Lamp Posts and Lamp Irons and Fittings thereof, to be provided by any Vestry or District Board, shall vest in such Vestry or Board.

No Slaughter-house to be licensed under the 14th & 15th Vict. c. 61. without Notice to Vestry or District Board.

CII. Before any Licence for the Use of any Place within any Parish mentioned in either of the Schedules (A.) and (B.) to this Act as a Slaughter-house is granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-one, (the Metropolitan Market Act, 1851,) *One Month's* previous Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

Vestries and District Boards to

CIII. Every Vestry and District Board shall, within their Parish or District, have, in addition to the Powers otherwise given them by this

this Act, all such Powers and Authorities for the Prevention or Abatement of Nuisances, and otherwise for the Protection of the Public Health, as under "The Public Health Act, 1848," or any Act amending the same, or any Act for the like Purposes, are or may be vested in any Local Board of Health.

have all the Powers of Local Boards of Health for preventing Nuisances.

CIV. Every Vestry and District Board shall from Time to Time appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanitary Condition of their Parish or District, to ascertain the Existence of Diseases, more especially Epidemics increasing the Rate of Mortality, and to point out the Existence of any Nuisance or other local Causes which are likely to originate and maintain such Diseases, and injuriously affect the Health of the Inhabitants, and to take cognizance of the Fact of the Existence of any contagious or epidemic Diseases, and to point out the most efficacious Mode of checking or preventing the Spread of such Diseases, and also to point out the most efficient Modes for the Ventilation of Churches, Chapels, Schools, Lodging Houses, and other public Edifices within the Parish or District, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called "Medical Officers of Health;" and it shall be lawful for the Vestry or Board to pay to every such Officer such Salary as they think fit, and also to remove any such Officer at the Pleasure of such Vestry or Board.

Vestries and District Boards to appoint Medical Officers of Health.

CV. Every Vestry and District Board shall nominate and appoint such Number of Persons to be Inspectors of Nuisances in their Parish or District as the Vestry or Board may think fit; and the Inspectors of Nuisances shall superintend and enforce the due Execution of all Duties to be performed by the Scavengers employed or contracted with under this Act, and report to the Vestry or District Board the Existence of any Nuisances; and the Vestry or Board shall require every such Inspector to provide and keep a Book in which shall be entered all Complaints made by any Inhabitant of the Parish or District of any Infringement of the Provisions of this Act, or of any Byelaws made thereunder, or of Nuisances; and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Vestry or Board at their next Meeting; and such Report, and the Order of the Vestry or Board thereon, shall be entered in a Book, which shall be kept at their Office, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Parish or District; and it shall be the Duty of such Inspector,

Inspectors of Nuisances.

subject to the Direction of the Vestry or Board, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act or any such Byelaws.

Duties and Powers of Metropolitan Board of Works.

Main Sewers vested in the Metropolitan Board of Works, and Power to such Board to make Sewers.

CVI. The Sewers mentioned in Schedule (D.) to this Act, being the Main Sewers now vested in the Commissioners of Sewers of the City of London and in the Metropolitan Commissioners of Sewers respectively, with all Rights of Way and Passage used and enjoyed by such Commissioners respectively over and to such Sewers, shall be vested in the Metropolitan Board of Works, and such Board shall have full Power and Authority to make such Sewers and Works as they may think necessary for preventing the Sewage within the Metropolis from flowing or passing into the River Thames in or near the Metropolis, and also to make all such other Sewers and Works, and such Diversions or Alterations of any existing Sewers or Works vested in them under this Act, as they may from Time to Time think necessary for the effectual Sewerage and Drainage of the Metropolis, and to discontinue, close up, or destroy such of them for the Time being vested in them under this Act as they may deem unnecessary, and such Board shall from Time to Time repair and maintain the Sewers so vested in them, or such of them as may not be discontinued, closed up, or destroyed as aforesaid; and for the Purposes aforesaid such Board shall have full Power and Authority to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, as well beyond as within the Limits of the Metropolis, or through or under any Cellar or Vault under the Carriageway or Pavement of any Street, and into, through, or under any Lands whatsoever within or beyond the said Limits, making Compensation for any Damage done thereby as herein-after provided, and all Sewers and Works from Time to Time made by the said Board shall vest in them; and the said Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause the Sewage and Refuse from such Sewers to be sold or disposed of as they may see fit, but so as not to create a Nuisance, and the Money arising thereby shall be applied towards defraying the Expenses of such Board.

CVII. Before

CVII. Before the Metropolitan Board of Works commence any Sewers and Works for preventing the Sewage from passing into the Thames as aforesaid, the Plan of the intended Sewers and Works for the Purpose aforesaid, together with an Estimate of the Cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of Her Majesty's Works and Public Buildings; and no such Plan shall be carried into effect until the same has been approved by such Commissioners.

Before Works for intercepting the Sewage are commenced, Plans and Estimate to be submitted to Commissioners of Works.

CVIII. In case it appear to the Metropolitan Board of Works that any Sewers in the Metropolis not herein-before vested in such Board ought to be considered Main Sewers, and to be under their Management, it shall be lawful for such Board, by an Order under their Seal, to declare the same to be Main Sewers, and thereupon the same shall vest in and be under the Management of the said Board; and it shall also be lawful for the said Board by any such Order to take under their Jurisdiction and Authority any other Matters in relation to Sewerage and to Drainage with respect to which Jurisdiction or Authority is by this Act vested in any Vestry or District Board.

Metropolitan Board may declare Sewers to be Main Sewers, and take under their Jurisdiction Sewerage Matters under Jurisdiction of Vestries and District Boards.

CIX. The Metropolitan Board of Works shall from Time to Time, in order to secure the efficient Maintenance of the Main Sewerage of the Metropolis, make such General or Special Order, as to them may seem proper, for the Guidance, Direction, and Control of the Vestries of Parishes and District Boards in the Construction, Alteration, and Maintenance and Cleansing of Sewers in their respective Parishes or Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Parishes and Districts and their Communications with the Main Sewers vested in the said Metropolitan Board, and generally for the Guidance, Direction, and Control of Vestries and District Boards in the Exercise of their Powers and Duties in relation to Sewerage; and all such Orders shall be binding upon such Vestries and Boards.

Metropolitan Board to make Orders for controlling Vestries and District Boards in Construction of Sewers, &c.

CX. The Metropolitan Board of Works, where it appears to them expedient that any Officer or Set of Officers necessary for any of the Purposes of this Act should act for a larger Area than is comprised in One Parish or District, or for Parts of different Parishes or Districts, may direct that the Vestries or Boards of such Parishes or Districts shall unite in the Appointment and Removal of such Officer or Set of Officers; and the said Metropolitan Board shall in such Case direct the Mode in which the respective Bodies or Committees thereof shall act together for the Purposes of every such

Metropolitan Board may direct Appointments to be made for Two Parishes or Districts jointly.

Appointment and Removal, and the Proportions in which the Salary or Salaries of such Officer or Officers shall be borne and paid by every such Parish and District respectively.

Or may place a Street in different Parishes under the Management of One Vestry, or Part of a Parish under the Management of Vestry of adjoining Parish

CXI. It shall be lawful for the Metropolitan Board of Works, where it appears to them that any Street or Line of Street, being in more than One Parish or District, should be placed under the exclusive Management of One Vestry or District Board for the Purposes of paving, lighting, watering, and cleansing, or any of them, or for the Purposes of Sewerage and Drainage, or for all the Purposes of this Act, to order that the same shall be under the Management of such Vestry or Board accordingly; and it shall also be lawful for the said Metropolitan Board, where it appears to them that any Part of any Parish or District is so detached or situate that it would be convenient that the same should be placed, for all or any of the Purposes of this Act, under the Management of the Vestry or District Board of any adjoining Parish or District, to order that such Part shall, for all or any of such Purposes, be under the Management of such Vestry or District Board.

Power to Metropolitan Board to make Improvements.

CXII. The Metropolitan Board of Works shall have Power to make, widen, or improve any Streets, Roads, or Ways, for facilitating the Passage and Traffic between different Parts of the Metropolis, or to contribute and join with any Persons in any such Improvements as aforesaid, and to take, by Agreement or by Gift, any Land, Rights in Land, or Property, for the Purposes aforesaid, or otherwise for the Improvement of the Metropolis, on such Terms and Conditions as they may think fit; and such Board, where it appears to them that further Powers are required for the Purpose of any Work for the Improvement of the Metropolis or public Benefit of the Inhabitants thereof, may make Applications to Parliament for that Purpose, and the Expenses of such Application may be defrayed as other Expenses of the said Board.

Determination of Metropolitan Commission of Sewers.

Powers of Metropolitan Commissioners of Sewers to cease.

CXIII. From and after the *Commencement of this Act*, all Duties, Powers, and Authorities vested in the Metropolitan Commissioners of Sewers shall cease to be so vested; and in the meantime, and until such *Commencement*, the Metropolitan Commission of Sewers, and the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, and the Acts amending the same, shall continue in force.

Actions, &c. not to abate, but to con-

CXIV. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on by or against the said Commissioners, shall

shall abate or be discontinued or prejudicially affected by the Determination of the Powers of such Commissioners, but shall continue and take effect in favour of or against the Metropolitan Board of Works in the same Manner in all respects as the same would have continued and taken effect in relation to the said Commissioners if this Act had not been passed, and the Powers of the said Commissioners had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred, respectively, previously to the Commencement of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative Proceedings commenced previously to the Commencement of this Act shall and may be continued, proceeded with, and completed, the Metropolitan Board of Works being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said Commissioners.

tinue for or against Metropolitan Board of Works.

CXV. All Rates made by the said Commissioners previously to the Commencement of this Act, or so much thereof as may not have been levied and paid, shall be levied by and paid to the Metropolitan Board of Works, and such Board shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the said Commissioners; but all such Rates respectively shall, so far as Circumstances admit, be applied to the same Purposes as the same would have been applicable to in case the Powers of the said Commissioners had continued in force, and shall for the Purposes of such Application (where the Circumstances so require) be paid over by the Metropolitan Board of Works, or by their Order, to the Vestry or District Board having the Management of the Sewers in any Parish or District under this Act, or as such Vestry or Board may direct.

Rates made by Metropolitan Commissioners of Sewers to be recoverable under this Act.

CXVI. All Property, Matters, and Things whatsoever vested in the Metropolitan Commissioners of Sewers, except such Sewers as are hereby vested in any Vestry or District Board, and except such Sewers as are not within the Limits of the Parishes and Places mentioned in the Schedules to this Act, shall be vested in the Metropolitan Board of Works; and all Persons who then owe any Money to the said Commissioners of Sewers, or to any Person on behalf of such Commissioners, shall pay the same to the Metropolitan Board of Works, or as they may direct; and all Monies then due and owing by or recoverable from the said Commissioners shall be paid by or recoverable from the Metropolitan Board of Works; and all Contracts, Agreements, Bonds, Covenants, and Securities theretofore made or entered into with or in favour of or by the said Commissioners shall take effect, and may be proceeded on and enforced, as near as Circumstances admit,

Property vested in Metropolitan Commissioners of Sewers (except Sewers transferred to Vestries and District Boards), transferred to the Metropolitan Board of Works.

admit, in favour of, by, against, and with reference to the Metropolitan Board of Works, as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Commissioners if this Act had not been passed, and the Powers of the said Commissioners had continued in full Force.

Auxiliary Powers common to the Metropolitan Board of Works and to Vestries and District Boards.

Power to Boards and Vestries to enter into Contracts for carrying Act into execution.

CXVII. The Metropolitan Board of Works, and every District Board and Vestry, may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount exceeds *Ten Pounds* shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Board or Vestry; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Board or Vestry and their Successors, and upon all other Parties thereto: Provided always,

Power to compound for Penalties in respect of Breach of Contracts.

that it shall be lawful for any such Board or Vestry to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompence as to the Board or Vestry may seem proper.

Power to Boards and Vestries to purchase Lands, &c. for the Purposes of this Act.

CXVIII. It shall be lawful for the Metropolitan Board of Works and every District Board and Vestry to purchase, or to take on Lease for such Term as they may think fit, any Land, or any Right or Easement in or over any Land which they may deem necessary or expedient for the Formation or Protection of any Works which they are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse, Materials, and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Milldam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase to prevent the Obstruction of Sewerage or Drainage; and also to purchase or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it appears to them necessary to acquire and use for the Purposes

poses of cleansing Sewers and Drains and the other Purposes of this Act, or any Land which is deemed by them advisable to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid.

Incorporation of Lands Clauses Act.

CXIX. For the Purpose of enabling the said Metropolitan Board, and every District Board, and Vestry, to obtain any Land, or any Right or Easement in or over any Land which they respectively may require for the Purposes of this Act, "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act with respect to Lands acquired by the Promoters of the Undertaking under the Provisions of that or the Special Act or any Act incorporated therewith, but which shall not be required for the Purposes thereof, and with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, subject to the Provisions herein contained, be incorporated with this Act; and the Provisions of the said Act so incorporated with this Act which would be applicable in the Case of a Purchase of any Land shall be applicable in the Case of the Purchase of a Right or Easement in or over any Land; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the District Board or Vestry acting under the Provisions of the said Act and this Act.

Lands not to be taken compulsorily except by Metropolitan Board with Consent of Secretary of State.

CXX. Provided always, That the Provisions of the said Lands Clauses Consolidation Act "with respect to the Purchase and "Taking of Lands otherwise than by Agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take Land, or any Right or Easement in or over Land, for the Purpose of making any Sewers or Works for preventing the Sewage within the Metropolis from passing into the Thames in or near the Metropolis, or otherwise for the Purpose of the Sewerage or Drainage of the Metropolis: Provided also, that no Land, or Right or Easement in or over Land, shall be taken compulsorily by the said Board without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Previous Notice to be given.

CXXI. The Metropolitan Board of Works, before applying for the Consent of the Secretary of State for taking Land, or any Right or Easement in or over Land, compulsorily as aforesaid, shall publish, once at the least in each of *Three* consecutive Weeks, in One of the Daily Newspapers published in the Metropolis, an Advertisement describing the Nature of the Works in respect of which the Land

Right or Easement is proposed to be taken, naming a Place where a Plan of the proposed Works is open for Inspection at all reasonable Hours, and stating the Quantity of Land or the Particulars of the Right or Easement that they require for the Purpose of such Works, and shall serve a Notice on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, or of the Land in or over which such Right or Easement is intended to be taken, such Service to be made *Three* Weeks previously to the Application to such Secretary of State, and such Notice shall state the Particulars of the Land Right or Easement so required, and that the Metropolitan Board are willing to treat for the Purchase thereof, and as to the Compensation to be made for the Damage that may be sustained by reason of the proposed Works.

Power to dispose of Lands or Property not wanted.

CXXII. The Metropolitan Board of Works, and any District Board or Vestry, may sell and dispose of any Land purchased by them under this Act, and any Property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such Sale of any Land into effect such Board may make and execute a Conveyance of the Land sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board or Vestry; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board or Vestry shall be a sufficient Discharge to the Purchaser of any such Land, or any other such Property as aforesaid for the Purchase Money in such Receipt expressed to be received; and the Money arising from such Sale of any Land purchased under this Act shall be applied in aid of the Rate out of which the Expenses of the Purchase of such Land have been or are authorized to be defrayed under this Act, and the Money arising from the Sale of any Property vested in any such Board or Vestry under this Act shall be applied in aid of such Rate to be raised under this Act in the Parish or Part to the Commissioners or other Body for the Management of the paving, lighting, or cleansing whereof such Property may have belonged before the Commencement of this Act, as to the Board or Vestry disposing of such Property may seem just; and any such Board or Vestry may let any Land purchased by or vested in them under this Act, and which for the Time being is not required for the Purposes thereof in such Manner and on such Terms as such Board or Vestry may see fit.

Penalty for withholding Property

CXXIII. In case any Person having the Charge, Control, or Possession of any Property, Matters, or Things vested in the Metropolitan

politan Board of Works or the Vestry of any Parish or any District Board, by or under this Act, neglect or refuse to give up the same, on Demand, to such Board or Vestry, or such Person as they respectively may order, every Person so offending shall, upon being convicted thereof before any Two Justices of the Peace, for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding *Five Pounds* as the said Justices may think fit.

transferred to Metropolitan Board or any Vestry or District Board.

Provisions for defraying Expenses of Vestries and District Boards.

CXXIV. Every Vestry and District Board shall from Time to Time, by Order under their Seal, require the Overseers of their Parish, or of the several Parishes in their District, to levy with the Rate for the Relief of the Poor, and to pay over to the Treasurer of such Vestry or Board, or into any Bank in such Order mentioned, and within the Time thereby limited, the Sums which such Vestry or Board may require for defraying the Expenses of the Execution of this Act (and such Orders may be made wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred); and every such Vestry and Board shall distinguish in their Orders Sums required for defraying Expenses of constructing, altering, maintaining, and cleansing the Sewers or otherwise connected with Sewerage, and also Sums required for defraying Expenses of lighting their Parish or District from Sums required for defraying other Expenses of executing this Act; but every such Vestry and Board may cause to be raised as Expenses connected with Sewerage such Portion of the Expenses incident to the Conduct of their Business in relation to Sewerage, in common with the Conduct of their other Business under this Act, as to such Vestry or Board may seem just; and every such Vestry and Board shall also specify the Rate in the Pound on the Property rateable to the Relief of the Poor on which the Sums mentioned in their Orders are to be levied to which such respective Sums amount; and the Overseers or Collectors, in the Receipts to be given for the Sums levied or collected by them, shall distinguish the Rate in the Pound required for Sewerage Expenses, and the Rate required for the other Expenses of this Act.

How Sums to be raised by Vestries and District Boards for defraying Expenses.

CXXV. Where it appears to any Vestry or District Board that all or any Part of the Expenses, for defraying which any Sum is by such Vestry or Board ordered to be levied as aforesaid, have or has been incurred for the special Benefit of any particular Part of their Parish or District or otherwise, have or has not been incurred for the equal Benefit of the whole of their Parish or District, such Vestry or Board may, by any such Order, direct the Sum or Sums necessary for defraying such Expenses or any Part thereof to be levied in such Part,

Vestries and Boards may exempt Parts not benefited by Expenditure, from Payment.

Part, or exempt any Part of such Parish or District from the Levy, or require a less Rate to be levied thereon as the Circumstances of the Case may require; and any such Board may refrain, where any entire Parish ought in their Judgment to be so exempt, from issuing an Order for levying any Money thereon, notwithstanding they may issue an Order or Orders for levying Sums upon any other Parish or Parishes in their District.

Provisions for Cases where a Part of a Parish is placed under the Management of the Vestry or Board of adjoining Parish or District.

CXXVI. Where Part of any Parish is placed for all or any of the Purposes of this Act under the Management of the Vestry or District Board of an adjoining Parish or District, the Sums which such Vestry Board may require for defraying the Expenses of executing this Act by such Vestry or Board, in the Part so placed under their Management, shall be from Time to Time paid upon their Orders by the Vestry of the Parish whereof such Part is so placed under the Management of such other Vestry or Board, or if such Parish is comprised in a District formed by this Act, then by the District Board of such District; and such Sums shall be raised by the Vestry or Board upon whom such Orders are made in like Manner as if the Expenses in respect whereof the same are required had been incurred by them in executing this Act.

Overseers to collect the Rate in the same Manner as the Poor Rate.

CXXVII. The Overseers of the Poor of every Parish to whom any such Order as aforesaid is issued shall levy the Amount mentioned therein according to the Exigency thereof, and shall for that Purpose proceed in the same Manner and have the same Powers, Remedies, and Privileges as for levying Money for the Relief of the Poor; and such Overseers shall pay to the Treasurer of the Vestry or Board, or otherwise as in such Order directed, the Amount mentioned in the Order within the Time specified for that Purpose, and at the Time of making any such Payment shall deliver with the Money a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept as a Voucher for the Receipt of that particular Amount; and the Receipt of the Treasurer of the Vestry or Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is directed to be paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount.

Overseers, on Nonpayment of the Rate, shall be distrained upon;

CXXVIII. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Vestry or Board, or by any Person authorized by them for this Purpose, to issue his Warrant for

for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

and in default of sufficient Distress the Arrears may be levied on the Parish.

CXXIX. Where the Vestry of any Parish mentioned in Schedule (A.) to this Act make the Rate for the Relief of the Poor in such Parish, such Vestry shall from Time to Time raise and levy the Sums required for defraying their Expenses of executing this Act together with such Rate for the Relief of the Poor, in like Manner as Overseers are required to do with respect to the Sums for which Orders are made upon them by any Vestry under this Act, and shall, in raising such Sums, act upon the like Principles and have the like Discretion as any Vestry making Orders upon Overseers under this Act.

Provision for Cases where the Vestry of any Parish in Schedule (A.) make the Poor Rate.

CXXX. As between Landlord and Tenant, every Tenant, whether his Tenancy have commenced before or after the passing of this Act, and who, if this Act had not been passed, would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like Manner be entitled to deduct against or to be repaid by his Landlord any Sum levied on him for defraying Sewerage Expenses under this Act.

Provision for Deduction by Tenants of Sewers Rate.

Provisions for defraying Expenses of Metropolitan Board.

CXXXI. The Metropolitan Board of Works shall from Time to Time ascertain and assess upon the City of London and the other Parts of the Metropolis the Sums which in their Judgment ought to be charged upon the said City and such other Parts respectively for defraying the Expenses of the said Board in the Execution of this Act, having regard to the Benefit derived from the Expenditure by the several Parts of the Metropolis, and the annual Value of the Property in such respective Parts; and any such Sum may be so assessed wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred; and for the Purposes of such Assessment the annual Value of the Property in such several Parts shall be estimated according to the Estimate or Basis on which the County Rate is assessed, or, where there is no such County Rate, according to a like Estimate.

Sums to be assessed upon the City and other Parts of the Metropolis by Metropolitan Board for defraying Expenses.

CXXXII. For obtaining Payment of the Sums so assessed upon the City of London and the Parishes mentioned in Schedules (A.) and (B.) to this Act, the said Board shall issue Precepts under their Seal, requiring Payment thereof to their Treasurer, or into any Bank

Payment to be obtained from the City and from Parishes by Precepts to

the Chamberlain of the City, and to Vestries and District Boards.

therein mentioned, within such Time as may be therein limited; and every such Precept for any Sum assessed upon the City of London shall be directed to the Chamberlain of the said City; and every such Precept for any Sum assessed upon any Parish mentioned in Schedule (A.) to this Act shall be directed to the Vestry thereof; and every such Precept for any Sum assessed upon any District mentioned in Schedule (B.) to this Act, or any Parish comprised therein, shall be directed to the Board of Works for such District; and where any such Sum is assessed upon any Part of any Parish or District, the said Metropolitan Board shall specify in their Precept the Part of such Parish or District upon which such Sum is assessed.

Payment of Sums assessed upon the City.

CXXXIII. The Chamberlain of the City of London shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the Metropolitan Board of Works or otherwise as they may direct, the Sums required by their Precepts, within such Time as may be therein mentioned; and all Payments so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of London are authorized to direct to be made under any Act relating to the Sewerage of the said City, for maintaining the Sewers therein; and such Commissioners shall have full Power to raise every such Sum by any such Rate which they may be authorized to direct to be made as aforesaid, or by any Addition thereto.

Payment by Vestries and District Boards of Sums assessed by Metropolitan Board.

CXXXIV. All Sums which any Vestry or District Board may be required to pay by such Precepts as aforesaid, shall be paid by such Vestry and Board respectively within such Time as may be therein mentioned, and shall be raised in like Manner as if the same were required by the said Vestry or Board for defraying the Expenses of such Vestry or Board in the Execution of their Powers and Duties under this Act, in relation to the Sewerage of their Parish or District.

Provision for assessing and levying Rate in Places where there is no Poor Rate.

CXXXV. The Sums so assessed from Time to Time upon any Place mentioned in Schedule (C.) to this Act, or such Part thereof as may not be comprised within any Parish, shall be raised by means of a Rate to be made and levied as herein provided; that is to say, the said Metropolitan Board shall from Time to Time, by Warrant under their Seal, appoint a proper Person to be an Assessor, for the Purpose of assessing the full and fair annual Value of all Property in every such Place, or such Part thereof as aforesaid, which, if the same were not extra-parochial, would be liable to be rated to the Relief of the Poor, and rating the same to a Rate to be levied under this Act; and such Assessor shall, within *Forty* Days after the Delivery to him of the Warrant

Mode of making the Assessment.

Warrant of his Appointment, make, sign, and return to the said Board an Assessment for the Place named in such Warrant; and the Assessment shall be fairly written in a Book, and shall specify, in different Columns, the Names of the respective Inhabitants or Occupiers of all Messuages, Lands, Tenements, and Hereditaments, the full and fair annual Value of the same, and the Amount of Rate charged on the Inhabitants or Occupiers thereof, and when the Premises are unoccupied, the full and fair annual Value thereof to let; and every such Assessor shall be allowed for his Trouble and Expenses such Remuneration as the said Board may think fit; and the same shall be paid out of the Amount of the Rate which shall be collected after such Assessment.

Allowance to Assessors.

CXXXVI. When such Assessment has been allowed by the said Board, public Notice of such Assessment, and of the Place where the same may be inspected, shall be given by fixing such Notice on the Door of the Church or Chapel or some other conspicuous Part of the Place to which such Assessment relates, upon the Sunday next or next but one after the same has been so allowed; and any Person in whose Custody such Assessment may be shall permit every Inhabitant or Occupier of Property included in such Assessment to inspect the same, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person wilfully neglect or refuse to permit any such Inhabitant or Occupier to inspect such Assessment, or to make any Extract therefrom, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit for every such Offence such Sum, not exceeding *Five Pounds*, as the Justices think meet.

When Assessment is made, Notice thereof to be given, and all Persons included in the Assessment to have Liberty to inspect it, &c.

Penalty for refusing such Inspection.

CXXXVII. The said Board shall from Time to Time nominate One or more Person or Persons for levying the Amount of Rate charged in every such Assessment, who shall proceed in the same Manner, and shall have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties with reference to the levying of such Rate, as if he or they were an Overseer or Overseers of the Poor in a Place rated to the Relief of the Poor, and shall pay over the Amount of such Rate to the Treasurer of the said Board or otherwise as the said Board may direct, or in default thereof shall be proceeded against in the same Manner as Overseers are by this Act to be proceeded against for Nonpayment.

Collection of the Rate charged in such Assessment.

CXXXVIII. Provided always, That if any Person who has paid the Amount of Rate charged upon him by the Assessment made by an Assessor appointed under this Act think himself aggrieved by such Assessment, on the Ground that such Assessment includes Property for which he is not rateable under this Act, or that it assesses his rateable Property

Appeal against Assessment.

beyond its full and fair annual Value, or that any Person is omitted out of such Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Person so aggrieved may appeal to the next Court of General or Quarter Sessions for the County or Franchise in which the Cause of Appeal arises, not less than *Twenty-one* Days after public Notice of such Assessment has been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Board a Notice in Writing of such Appeal, and of the Cause and Matter thereof, *Ten* clear Days at the least before such Sessions; and shall also, within *Three* Days after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the County or Franchise, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person appeal on the Ground that any Person is omitted out of the Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the said Board, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person so interested in the Event of such Appeal as aforesaid, and the Person so interested shall, if he desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions, or some Adjournment thereof, upon due Proof of the Notice having been given, and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices think proper; and in case the said Justices think the Appellant entitled to Relief, they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him; and in case he have appealed on the Ground that any Person is omitted out of the Assessment, the said Justices may order the Name of such Person to be inserted in the Assessment, and to be therein rated at such Amount as they deem just; and in case the Appellant have appealed on the Ground that the Property of any Person is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person is rated in the Assessment to be altered in such Manner as they deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

The Assessment may be altered to relieve the Appellant, without altering any other Part of it.

CXXXIX. All

Provisions for discharging existing Liabilities of Boards or Bodies having Powers of paving, &c., and of the Metropolitan Commissioners of Sewers.

Provision for discharging existing Liabilities under Local Acts relating to paving, &c.

CXXXIX. All Debts and Liabilities legally charged upon any Rates or Assessments authorized to be levied or made under any Local Act relating to the paving, lighting, watering, cleansing, or improving of any Parish in either of the Schedules (A.) and (B.) to this Act, or any Part of any such Parish, shall be charged upon the Rates (other than those to be raised for defraying Expenses of Sewerage) to be raised under this Act in such Parish or Part thereof, and the several District Boards and Vestries shall cause the Sums necessary for discharging such Debts and Liabilities to be raised in their respective Districts and Parishes accordingly, and such Boards and Vestries shall make Provision out of the Rates to be so raised for paying off and shall pay off the Principal of every such Debt (other than an Annuity) within the like Period and in like Manner as by this Act provided with respect to Sums borrowed under this Act, except where the Interest only of such Debt is charged upon such Rates or Assessments as aforesaid: Provided always, that where any Debts or Liabilities are charged on any Rates or Assessments not wholly levied or made in or upon any One Parish mentioned in Schedule (A.) to this Act, or any One District mentioned in Schedule (B.) to this Act, the Metropolitan Board of Works shall apportion such Debts and Liabilities between the respective Parishes and Districts in or upon which such Rates or Assessments are authorized to be levied or made, and shall certify to the District Board and Vestry respectively of every such District and Parish the Amount of the apportioned Part of such Debts and Liabilities to be discharged by Rates to be raised in such Parish or District or any Part thereof, under this Act, and such apportioned Part shall be discharged accordingly.

Provision for Payment of Liabilities of Metropolitan Commissioners of Sewers.

CXL. Notwithstanding the Determination or Expiration of the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, all Mortgages and Annuities which at or immediately before such Determination or Expiration are a Charge on all or any of the Rates authorized to be levied thereunder shall continue valid and in full Force, and to be a Charge on the Districts in which such Rates would have been authorized to be levied in case such Act had continued in force, and the Property rateable thereto; and the Sums from Time to Time becoming payable under such Mortgages and the Grants of such Annuities shall be raised by the Metropolitan Board of Works in such Districts in like Manner as by this Act provided for defraying Expenses of such Board in the Execution of this Act.

Power to Treasury to make Advances to Metropolitan Board for Construction of Sewers.

Treasury may advance Money to the Metropolitan Board for Works of Sewerage.

CXLI. When the Plan and Estimate of the intended Sewers and Works for preventing Sewage from passing into the Thames in or near the Metropolis, and otherwise for the effectual Sewerage and Drainage of the Metropolis, have been submitted to and approved by the Commissioners of Her Majesty's Works and Public Buildings, it shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided by Parliament for that Purpose, upon the Request of the Metropolitan Board of Works, to advance to such Board such Sums as may be from Time to Time certified by the said Commissioners of Public Works and Buildings to be required for the Purposes of the Works to which such Plan and Estimate relate; and on the Advance of any Sum to the Metropolitan Board as aforesaid there shall be payable to Her Majesty by the said Metropolitan Board, in respect of every such Advance, during the Term of Years, to be computed from the *Thirty-first Day of March* or *Thirtieth Day of September* (whichever of such Days shall next happen after the Issue of such Advance), an annual Sum after the Rate of *Pounds* *Shillings* for every One hundred Pounds of such Advance, and so in proportion for any lesser Amount, such annual Sum to be paid by equal *half-yearly* Payments on the *Thirty-first Day of March* and *Thirtieth Day of September* in every Year, the First of such Payments to be made on the Second of such Days which shall happen next after the Issue of the Advance in respect of which the annual Sum shall be charged; and all Payments becoming due from Time to Time in respect of any such annual Sums as aforesaid shall be assessed, charged, and raised by the Metropolitan Board of Works in like Manner as Sums for defraying Expenses of the said Board in execution of this Act, but in priority to all other Expenses, and shall be paid by the said Board to the Governor and Company of the Bank of England, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

General Powers to Metropolitan and District Boards and Vestries to borrow.

Power to Boards and Vestries to borrow Money on Mortgage.

CXLII. It shall be lawful for the Metropolitan Board and every District Board and Vestry, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow and take up at Interest, on the Credit of all or any of the Monies or Rates authorized to be raised by them under this Act, any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, such Board or Vestry may mortgage and

and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Monies or Rates upon the Credit of which such Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Monies or Rates comprised in their respective Mortgages, according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that no Monies shall be so borrowed by any District Board or Vestry without the previous Sanction in Writing of the said Metropolitan Board.

No Priority amongst Mortgagees.

CXLIII. It shall be lawful for the Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to "authorize for a further Period the Advance of Money out of the "Consolidated Fund to a limited Amount, for carrying on Public "Works and Fisheries, and Employment of the Poor," and any Act or Acts for amending or continuing the same, to make Advances to any such Board or Vestry upon the Security of all or any of the Monies or Rates to be raised by them under this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CXLIV. Every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Board or Vestry, and may be made according to the Form (E.) contained in the Schedule to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Board or Vestry and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Board or Vestry a Register of the Mortgages made by them, and within *Fourteen* Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding *Five Pounds*.

Form of Mortgage.

Register of Mortgages.

CXLV. The Board or Vestry making any such Mortgage may, if they think proper, fix a Time or Times for the Repayment of all

Repayment of Money borrowed at

a Time agreed upon.

or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments or otherwise, as they may think fit; and in case the Board or Vestry fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Board or Vestry, and unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of *Twelve* Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving *Six* Months previous Notice for that Purpose; and in the like Case the Board or Vestry may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Board or Vestry, and if given by the Board or Vestry shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to them, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the London Gazette; and if the Board or Vestry have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Board or Vestry fail to pay the Principal and Interest due, at the Expiration of such Notice on such Mortgage.

Interest on Mortgages to be paid half yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

Power to borrow to pay off existing Securities.

CXLVI. It shall be lawful for the said Metropolitan Board with respect to any Security granted by the Metropolitan Commissioners of Sewers, or granted by such Board under this Act, and for every District Board and Vestry with respect to any Security for any existing Debt or Liability which such Board or Vestry are by this Act required to discharge, and any Security granted by such Board or Vestry under this Act, to raise and borrow the Monies necessary for paying off such Security, and to pay off the same; and the Monies borrowed for the Purpose of such Payment shall be secured and repaid in like Manner as if borrowed for defraying the Expenses of the Execution

Execution of this Act: Provided always, that nothing herein contained shall extend to authorize the paying off of any Security otherwise than in accordance with the Provisions thereof.

Payment of Principal and Interest may be enforced by the Appointment of a Receiver.

CXLVII. If at the Expiration of *Six* Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Monies or Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made, all such Monies or Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees of such Monies or Rates, and shall be rateably apportioned between or among them: Provided always, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to *One thousand Pounds*, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

Transfer of Mortgages.

Register of Transfers.

CXLVIII. Any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of every Board and Vestry making any Mortgages under this Act a Register of the Transfers of such Mortgages; and within *Thirty* Days after the Date of any such Deed of Transfer, if executed within the United Kingdom, or within *Thirty* Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk of the Board or Vestry making the Mortgage, and such Clerk shall, upon Payment of the Sum of *Five Shillings*, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage,

and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same has been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Sinking Fund to be formed for paying off Mortgages.

CXLIX. For the Purpose of providing a Fund for paying off Mortgages granted under this Act, the Board or Vestry granting such Mortgage shall once in every Year set aside, out of the Monies or Rates charged thereby, such Sum as they think proper, being not less than *Five Pounds* per Centum on the Amount of the Principal Monies secured thereby; and the Sum so from Time to Time set aside, and all other Monies applied by the Board or Vestry in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Money secured by such Mortgages, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of the Board or Vestry; and the Dividends and Interest of the Monies so invested, when and as the same become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund amounts to a Sum which, in the Opinion of the Board or Vestry, can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same is invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the said Principal Monies, and so from Time to Time until the whole of the said Principal Monies are discharged.

Mode of paying off Mortgages.

CL. When and as often as the Board or Vestry are enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper, of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put in a Box, and the Clerk of the said Board or Vestry shall, at a Meeting of the Board or Vestry, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall be paid off by the Board or Vestry; and after every such Ballot the Board or Vestry shall cause a Notice, signed by the Clerk, to be given to the Person entitled to the Money to be paid off, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest

Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said *Six* Months, shall nevertheless be payable, on Demand.

Audit of Accounts.

Accounts of Metropolitan Board, District Board, and Vestries, to be balanced up to the End of each Year.

CLI. The Metropolitan Board of Works, every District Board, and every Vestry shall, in the Month of *January* in every Year, cause their Accounts to be balanced up to the Thirty-first Day of December of the preceding Year, and shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into, and of all Monies received and expended by virtue of this Act, during such preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to such respective Board or Vestry, and of all Mortgages and other Debts and Liabilities then owing by such Board or Vestry.

Auditor of Accounts of Metropolitan Board to be appointed by Secretary of State, and remunerated by the Board.

CLII. One of Her Majesty's Principal Secretaries of State shall, in the Month of *January* in every Year, by Order under his Hand, appoint some fit Person to be the Auditor of the Accounts of the said Metropolitan Board for the preceding Year; and every such Auditor shall be paid by such Board *Two Guineas* for every Day he is fully employed on such Audit, and all Expenses he is put to in the auditing of such Accounts.

Auditors to be elected annually by the District Boards.

CLIII. Every District Board shall, in the Month of *January* in every Year, elect from among the Persons acting as Auditors for some Parish or Parishes in the District *Three* Persons, not being Members of such Board, to be Auditors for the current Year of the Accounts of such Board; and in case of the Death of any such Auditor the Board by whom he was elected shall forthwith elect some other such Person as aforesaid in his Place, and the Powers hereby given to the said Auditors may be exercised by any *Two* of them.

Audit of Accounts.

CLIV. The Auditor of the Accounts of the said Metropolitan Board, and the Auditors of the Accounts of every District Board, shall, in the Month of *February*, on such Day or Days as shall be fixed by him or them for the Audit of such respective Accounts, attend at the Office or principal Office of the Metropolitan Board of Works, or of such District Board, (as the Case may require,) for the Purpose of auditing their Accounts; and such respective Boards shall, by their Clerks, Treasurers, and other Officers, produce and lay before such Auditor

or Auditors at every such Audit their Accounts for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Members of such respective Boards and of the Ratepayers and Creditors on the Rates as desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Members of such respective Boards or their Officers whom he or they shall deem accountable (and whom he and they is and are hereby empowered to summon, by Writing under his or their Hand or Hands, to appear before him or them for the Purpose of such Examination), touching the said Accounts, and shall also hear any Complaint which any such Ratepayer or Creditor shall at the Time of such Audit make touching such Accounts; and if such Accounts be found correct, such Auditor or Auditors shall sign the same in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties; and the Accounts of the Vestry of any Parish in relation to the Execution of this Act by such Vestry shall be audited in manner provided by the said Act of the First and Second Year of the Reign of King William the Fourth, for the auditing of the Accounts of such Vestry.

Abstract of Accounts to be made.

CLV. The Metropolitan Board of Works, every District Board, and every Vestry shall, after such Audit of Accounts as aforesaid, cause an Account in Abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they has or have allowed such Accounts, or of the Parts, if any, which he or they have disapproved of such Accounts, and also a summary Statement and Report of all Contracts entered into by such Board or Vestry in such preceding Year, and of the Monies owing to and Debts and Liabilities owing by such Board or Vestry on the Thirty-first Day of December of such preceding Year, and of the Works commenced and completed respectively in such preceding Year, and the Works remaining in progress at the Termination of such Year.

Annual Reports.

Annual Reports by Vestries and District Boards.

CLVI. Every Vestry and District Board shall, in the Month of *March* in every Year, cause to be printed the said Account in Abstract and summary Statement of such Vestry or Board for the preceding Year, and also make and cause to be printed therewith a Report of their Proceedings in the Execution of this Act, and especially of any Proceedings taken by them or under their Authority in

in the preceding Year, in pursuance of any Regulations of the General Board of Health for the Time being in force, or otherwise, for the Removal of Nuisances or the Improvement of the Sanitary Condition of their Parish or District; and every such Vestry and Board shall, in the said Month of *March*, send a Copy of every such Account in Abstract, Statement, and Report, together with a printed List of the Names and Addresses of the Members of such Vestry and Board, and of their Officers, to the Metropolitan Board of Works; and every Vestry and District Board shall permit Inspection at their Office of a Copy of any such Account in Abstract, Statement, and Report by any Ratepayer in their Parish or District, without Payment, at all reasonable Times, and shall also permit the like Inspection by the Public generally of such List of Officers; and Copies of such Account in Abstract, Statement, and Report, and List of Officers, shall be delivered to any Person applying for the same, on Payment of such reasonable Sums not exceeding for each such Copy as may be fixed by such Vestry or Board in this Behalf.

Annual Report of Metropolitan Board of Works.

CLVII. The Metropolitan Board of Works shall, in the Month of *March* in every Year, make a Report of their Proceedings in the Execution of this Act, and shall in the said Month send a Copy thereof, together with a Copy of the said Account in Abstract and summary Statement of such Board for the preceding Year, to One of Her Majesty's Principal Secretaries of State, to the Commissioners of Her Majesty's Works and Public Buildings, to the General Board of Health, to the Lord Mayor of the City of London, and to each of the Vestries and District Boards in the Metropolis.

Byelaws.

Power to Metropolitan Board of Works to make Byelaws.

CLVIII. The Metropolitan Board of Works and every District Board and Vestry respectively may from Time to Time make, alter, and repeal Byelaws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at their Meetings and of Committees appointed by them, the Appointment and Removal of their Officers and Servants, and the Duties, Conduct, and Remuneration of such Officers and Servants; for regulating, in regard to Drainage, the Plans, Level, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Level of Sites for building, and for regulating the lighting, watering, cleansing, and Drainage of Roads and Streets; for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected therewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies; and for such other Works of cleansing, and

of removing and disposing of Refuse, and for Removal and Prevention of Nuisances, as they are or may be authorized to perform or require; the Periods for the Repayment of the Expenses of Works by the Persons or Rates chargeable with the Repayment thereof; and generally for carrying into effect the Purposes of this Act; and every such Board and Vestry may thereby impose such reasonable Penalties as they think fit, not exceeding *Forty Shillings*, for each Breach of such Byelaws, and in case of a continuing Offence a further Penalty not exceeding *Twenty Shillings* for each Day after Notice of the Offence from the Board or Vestry: Provided always, that under every such Byelaw it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Provided also, that no Byelaws shall be repugnant to the Laws of England or to the Provisions of this Act; and that no Byelaw shall be of any Force or Effect unless and until the same be submitted to and confirmed at a subsequent Meeting of the Board or Vestry: Provided also, that no Penalty shall be imposed by any such Byelaw unless the same be approved by One of Her Majesty's Principal Secretaries of State: Provided also, that no Byelaw made by any District Board or Vestry shall be of any Force or Effect unless and until the same be approved by the said Metropolitan Board.

Penalty for Breach of Byelaws.

Power to Justices to remit Penalties.

Publication of Byelaws.

CLIX. All Byelaws made and confirmed as aforesaid in pursuance of this Act shall be printed, and hung up in the principal Office of the Board or Vestry, and be open to public Inspection without Payment, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding *Sixpence*, as the Board or Vestry shall direct; and such Byelaws, when so published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Byelaws, authenticated by the Seal of the Board or Vestry, shall be Evidence of the Existence, and of the due Making, Confirmation, and Publication of such Byelaws, in all Prosecutions under the same, without adducing Proof of such Seal or of the Fact of such Confirmation or Publication of such Byelaws.

Evidence of Byelaws.

Provisions for Protection of Property and Works of Metropolitan and District Boards and Vestries, and preventing Obstruction in Execution of Works.

Penalty on Persons sweeping Dirt into Sewers.

CLX. No Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain, or into any Dock or Inlet communicating with the Mouth of any Sewer

Sewer or Drain, or into which any Sewer or Drain may discharge its Contents, or into the River Thames contiguous thereto; and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding *Five Pounds*.

No Gas Company or other Person to permit Washings, &c. to flow into any Sewer.

CLXI. If any Gas Company, or Person making, manufacturing, or supplying Gas, at any Time empty, drain, or convey, or permit or suffer to be emptied, drained, or conveyed, or to run or flow, any Washing, or foul or waste Water, or any noisome or offensive Liquid, Substance, or Thing, which may arise or be produced in the making of Gas, into any public Sewer, every Gas Company or Person so offending shall forfeit and pay the Sum of . . . . . *Pounds* for every Day during which any such Washing, or foul or waste Water, or other noisome or offensive Liquid, Substance, or Thing, is permitted or suffered to flow into any public Sewer or Drain.

Penalty for wilfully damaging, &c. Lamps or other Property of Vestries or District Boards, or of the Metropolitan Boards.

CLXII. If any Person wilfully take away, break, throw down, or damage any Lamp set up for lighting any of the Streets in any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, or wilfully damage any other Property vested in any Vestry or District Board, or any Property vested in the said Metropolitan Board, it shall be lawful for any Person who sees such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey him, or to deliver him into the Custody of a Police Officer in order to be secured and conveyed, before some Justice; and if the Party accused be convicted of such Offence he shall forfeit the Sum of *Forty Shillings*, and shall also pay to such Vestry or Board the Amount of Damage done.

Persons carelessly or accidentally damaging Lamps, &c. to make Satisfaction.

CLXIII. In case any Person carelessly or accidentally break, throw down, or damage any such Lamp, or the Iron or other Furniture thereof, or other such Property as aforesaid, he shall pay the Amount of Damage done.

Penalty on interrupting Workmen, &c. in Execution of Duties.

CLXIV. If any Person at any Time obstruct, hinder, or molest any Surveyor, Inspector, Collector, or other Officer, Workman, or Person whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall for the First Offence forfeit and pay the Sum of *Five Shillings*, for the Second Offence the Sum of *Twenty Shillings*, and for any subsequent Offence the Sum of *Five Pounds*.

Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name.

CLXV. If the Occupier of any Premises prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, or any Order of any Vestry or District Board made in pursuance thereof, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Vestry or District Board to state the Name and Description of the Owner of the Premises occupied by him, refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons; and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding *Five Pounds.*

Miscellaneous Clauses.

Where Two or more Persons are to do any Act or pay any Sum of Money, Vestry or Board may apportion the same.

CLXVI. Where, under the Authority of this Act, Two or more Persons are or may be directed by any Vestry or District Board to do or join in doing any Act, or to pay or join in paying any Sum of Money, Costs, or Expenses, or where any Vestry or District Board are authorized or think proper to permit Two or more Persons to join together in doing any Act, or paying any Sum of Money, Costs, or Expenses, it shall be lawful for the Vestry or District Board to apportion the Matter to be done, or the Sum of Money, Costs, or Expenses to be paid, between such Persons, in such Manner as the Vestry or Board consider just and reasonable.

Occupiers to pay Expenses for which Owners are liable, and to be reimbursed out of the Rent.

CLXVII. It shall be lawful for any Vestry or District Board to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under this Act from any Person who then or at any Time thereafter occupies such Premises; and the Owner shall allow every such Occupier to deduct all Sums of Money which he so pays, or which are levied by Distress, out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent.

Occupier not to be required to pay more than the Amount of Rent owing by him.

CLXVIII. Provided always, That no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs

Costs or Expenses, becomes payable by such Occupier, unless he refuses, on Application being made to him for that Purpose by or on behalf of the Vestry or District Board, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier.

Agreements between Landlord and Tenant not to be affected.

CLXIX. Provided also, That nothing herein contained shall be taken to affect any special Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property.

As to Service of Notices on Owners or Occupiers.

CLXX. All Notices by this Act required to be given to the Owner or Occupier of any Land or Premises may be served personally on such Owner or Occupier, or left with some Inmate of his Place of Abode, or, if there be no Occupier, may be affixed to some conspicuous Part of such Land or Premises, and it shall not be necessary in any such Notice to name the Owner or Occupier of such Land or Premises: Provided always, that where there is no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, is known to the Vestry or Board by or on behalf of whom such Notice is given, or any of their Officers, such Notice shall be served on such Owner personally, or left with some Inmate of his Place of Abode, or transmitted to such Owner through the Post Office, addressed to him at his Place of Abode or last known Place of Abode in England.

Authentication of Documents.

CLXXI. Every Notice, Demand, or like Document given by or on behalf of the Metropolitan Board of Works, or any Vestry or District Board, under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk or by the Officer by whom the same is given.

Proof of Debts in Bankruptcy.

CLXXII. If any Person against whom the Metropolitan Board of Works, or any District Board or Vestry, have any Claim or Demand, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk, in all Proceedings under the Bankruptcy or Insolvency, to represent such Board or Vestry, and act in their Behalf in all respects as if such Claim or Demand were the Claim or Demand of the Clerk, and not of such Board or Vestry.

Tender of Amends.

CLXXIII. If any Party have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or any Act incorporated therewith, or by virtue of any Power or Authority given by this Act or such other Act as aforesaid, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action.

Compensation, Damage, and Expenses how to be ascertained.

CLXXIV. In every Case where the Amount of any Damage, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, or the Amount of any Damage, Costs, or Expenses is by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by any Justice; and the Amount of any Compensation to be made under this Act by the said Metropolitan Board, or any Vestry or District Board, shall, unless herein otherwise provided, be settled, in case of Dispute by Two Justices, unless the Amount of Compensation claimed exceed Fifty Pounds, in which Case the Amount thereof shall be settled by Arbitration, according to the Provisions contained in the Lands Clauses Consolidation Act, 1845, which are applicable where Questions of disputed Compensation are authorized or required to be settled by Arbitration.

Method of proceeding before Justices in Questions of Damages, &c.

CLXXV. Where any Question of Compensation, or as to the Amount of any Damage, Costs, or Expenses, is to be determined by any Justice or Justices, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before One Justice, or before Two Justices, (as the Case may require,) at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of them, upon Proof of due Service of the Summons, it shall be lawful for such One Justice, or such Two Justices, (as the Case may be,) to hear and determine such Question, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath; and the Costs of every such Inquiry shall be in the Discretion of such Justice or Justices, and he or they shall determine the Amount thereof, and make such Order as to him or them may seem just.

Recovery of Penalties.

CLXXVI. Every Penalty or Forfeiture imposed by this Act, or by any Byelaw made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceedings before any Justice in manner provided by the Act of the Session holden in the Eleventh and Twelfth Year of Her Majesty, Chapter Forty-three, "to facilitate the Performance of the Duties of Justices

11 & 12 Vict. c. 43.

"of

" of the Peace out of Sessions within England and Wales with " respect to summary Convictions and Orders."

Damages to be made good in addition to Penalty.

CLXXVII. If, through any Act, Neglect, or Default on account whereof any Person has incurred any Penalty imposed by this Act, any Damage to the Property of the said Metropolitan Board, or any Vestry or District Board, has been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justice or Justices by whom the Party incurring such Penalty is convicted; and the Payment of the Amount of such Damage may be enforced in all respects as such Penalty.

Transient Offenders.

CLXXVIII. It shall be lawful for any Officer or Servant of the said Metropolitan Board, or any Vestry or District Board, and for any Police Constable, and all Persons called by him to his Assistance, to seize and detain any Person who has committed any Offence against the Provisions of this Act, or any Byelaw made in pursuance thereof, or who has done any Damage for which he is liable to pay under this Act, and whose Name and Residence shall be unknown to such Officer or Servant or Police Constable, and convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Proceedings not to be quashed for Want of Form.

CLXXIX. No Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving Security.

CLXXX. If any Person feel aggrieved by any Adjudication or Determination of any Justice or Justices with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General or Quarter Sessions; but no such Appeal shall be entertained unless it be made within *Four* Months next after the making such Determination or Adjudication, nor unless *Ten* Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CLXXXI. At the General or Quarter Sessions for which such Notice is given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid to the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Penalties to be sued for within Six Months.

CLXXXII. No Person shall be liable to the Payment of any Penalty or Forfeiture under this Act, or any Byelaw made by virtue thereof, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence have been made before such Justice within *Six* Months next after the Commission of such Offence.

Application of Penalties.

CLXXXIII. If the Application of any Penalty or Forfeiture be not otherwise provided for, *One Half* thereof shall go to the Informer, and the Remainder shall go to the Vestry or District Board of the Parish or District in which the Offence was committed, or if such Vestry or Board be the Informers, the whole of the Penalty recovered shall go to them; and all Sums which shall go to or be recovered by any such Vestry or Board on account of any such Penalty or Forfeiture shall be paid to their Treasurer, or otherwise into such Bank, to their Account, as they may direct, and shall be applicable to the general Expenses of the Vestry or Board; provided that in every Case where any Vestry or Board are liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

Power to extend Act to adjoining Parishes.

Act may be extended by Order in Council to Parishes adjoining the Metropolis not having less than 750 Ratepayers.

CLXXXIV. In case and when and so often as it is made to appear to Her Majesty in Council, upon the Representation of the Metropolitan Board of Works, that the Provisions of this Act should be extended to any Parish adjoining the Metropolis, and in which there are not less than *Seven hundred and fifty* Inhabitants rated to the Relief of the Poor, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Provisions of this Act shall extend to such Parish, from and after a Day to be mentioned in this Behalf in the Order in Council, and that such Parish shall join with any Parish or Parishes or District in such Order named in the Election from Time to Time of the Member or Members of the Metropolitan Board of Works by this Act directed to be elected for such Parish or Parishes or District, and to make such Provision as to the Mode

in

in which every such joint Election shall take place, and otherwise in relation thereto, as to Her Majesty in Council may seem necessary and proper; and every such Order shall be published in the London Gazette; and from and after the Time mentioned in such Order for the Extension of the Provisions of this Act to any Parish as aforesaid, the Provisions of this Act shall extend to and be in force therein, in like Manner, so far as Circumstances will admit, as such Provisions apply to any Parish mentioned in Schedule (A.) of this Act, subject, nevertheless, to the Provisions in such Order contained in relation to the Election by such Parish jointly as aforesaid of a Member or Members of the said Metropolitan Board: Provided always, that Notice of every such Representation, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette, One Month at least before such Representation is so considered.

Interpretation and Commencement of Act.

Interpretation of Terms: "the Metropolis:" "the City of London."

CLXXXV. In the Construction of this Act, "the Metropolis" shall be deemed to include the City of London, and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to this Act; "the City of London" shall be deemed to include all Parts now within the Jurisdiction of the Commissioners of Sewers for the City of London; and the Word "Parish" shall include any Hamlet, Tithing, Ville, Liberty, Precinct, or Place maintaining its own Poor, and where Parishes have been united or reunited by Act of Parliament for any Purposes shall mean each of the Parishes so united or reunited; the Expression "the Overseers of the Poor" shall include any Persons authorized to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish; any Expression referring to any Rate or Rates raised under this Act by the Metropolitan Board of Works or any Vestry or District Board shall mean the Sums and Rates authorized to be raised by the said Metropolitan Board and the Sums authorized to be raised by any Vestry and District Board respectively; the Word "Owner" shall mean the Person for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent; the Word "Street" shall apply to and include any Highway (not being a Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and the Parts of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage within the Limits of the Commission; the Word "Drain" shall mean and include

"Overseers of the Poor:"

"Rates:"

"Owner:"

"Drain:"

include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed; and the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain," interpreted as aforesaid, applies.

"Sewer."

Commencement of Act.

CLXXXVI. This Act shall commence and come into operation, save as herein otherwise provided, on the *Day of One thousand eight hundred and fifty-five.*

SCHE-

SCHEDULE (A.)

Part I.

Parishes each electing Two Members of the Metropolitan Board of Works.

Saint Marylebone.
Saint Pancras.
Islington, Saint Mary.
Shoreditch, Saint Leonard.
Bethnal Green, Saint Matthew.
Lambeth.

Part II.

Parishes each electing One Member of the Metropolitan Board of Works.

Kensington.
Chelsea.
Saint George's Hanover Square.
Saint Martin in Fields.
Westminster, Saint James.
Clerkenwell, Saint James and Saint John.
Saint Luke.
Saint George-in-the-East.
Saint George the Martyr Southwark.
Saint Mary Newington.
Bermondsey.
Rotherhithe.
Camberwell.

Part III.

Parishes united for electing One Member of the Metropolitan Board of Works.

Paddington, Saint Mary and Saint John.
Hampstead.

SCHEDULE (B.)

Parishes united into Districts for the Purposes of the Act.

Part I.

Districts electing each Two Members of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Stepney District -	Wapping, Saint John - - -	1
	Shadwell, Saint Paul - -	6
	Ratcliffe - - - -	9
	Mile End Old Town - - -	33
	Limehouse, Saint Anne - -	15
	Total - - -	64
Greenwich District -	Saint Paul Deptford, including Hallam	18
	Saint Nicholas Deptford - -	9
	Greenwich - - - -	21
	Woolwich - - - -	15
	Total - - -	63

Part II.

Districts each electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Fulham District - -	Fulham - - - -	15
	Hammersmith, Saint Peter and Saint Paul - - - -	24
	Total - - -	39
Westminster District -	Saint John - - - -	24
	Saint Margaret - - - -	24
	Total - - -	48

Name of District.	Parishes.	Number of Members to be elected to District Board.
Hackney District -	Hackney - - - - -	57
	Stoke Newington, Saint Mary -	6
	TOTAL - - - -	63
Saint Giles District -	Saint George Bloomsbury - -	18
	Saint Giles - - - -	21
	TOTAL - - -	39
Strand District -	Saint Anne Soho - - -	9
	Saint Paul Covent Garden - -	3
	Saint John the Baptist Savoy, or Precinct of the Savoy - -	1
	Saint Mary-le-Strand - -	3
	Saint Clement's - - -	9
	Liberty of the Rolls - - -	3
	TOTAL - - -	28
Holborn District -	Holborn, Saint George the Martyr and Saint Andrew above Bars - -	24
	Saint Sepulchre - - -	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place - -	9
	The Liberty of Glasshouse Yard -	1
	TOTAL - - -	40
Whitechapel District -	Whitechapel, Saint Mary - -	27
	Christ Church Spitalfields - -	15
	Botolph, Saint, without Aldgate -	1
	Holy Trinity, Minories - - -	1
	Katherine, Saint, Precinct of - -	1
	Mile End Town, Hamlet of - -	9
	Norton Falgate, Liberty of - -	1
	Old Artillery Ground - - -	1
	Tower - - - -	1
	TOTAL - - -	57
Poplar District - -	Poplar, All Saints - - -	24
	Saint Mary Stratford-le-Bow - -	9
	Bromley Saint Leonard - -	15
	TOTAL - - -	48

Name of District.	Parishes.	Number of Members to be elected to District Board.
Wandsworth District -	Clapham - - - - - -	15
	Lower Tooting - - - -	3
	Streatham - - - -	9
	Battersea (including Penge) - -	12
	Wandsworth - - - -	12
	Putney - - - -	6
	TOTAL - - -	57
Lewisham District -	Charlton next Woolwich - -	6
	Plumstead - - - -	12
	Eltham (including Mottingham Hamlet)	3
	Lee - - - - -	6
	Kidbrooke - - - - -	1
	Lewisham (including Sydenham Chapelry) - - - -	21
	TOTAL - - -	49

PART III.

Districts united for electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Saint Saviour's District	Christ Church - - -	15
	Saint Saviour's - - - -	24
	TOTAL - - -	39
Saint Olave District -	Saint Olave - - - -	6
	Saint Thomas Southwark - -	1
	Saint John Horselydown - -	12
	TOTAL - - -	19

SCHEDULE (C.)

Whitehall Gardens.
Whitehall.
Richmond Terrace.
The Close of the Collegiate Church of Saint Peter.
The Charter House.
Inner Temple.
Middle Temple.
Lincoln's Inn.
Gray's Inn.
Staple Inn.
Furnival's Inn.

SCHE-

SCHEDULE (D.)

This Schedule will contain a Description of the Main Sewers vested in the Metropolitan Board.

SCHEDULE (E.)

Form of Mortgage of Rates.

Mortgage, Number ( )

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of (*as the Case may be*) in consideration of the Sum of paid to by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all [*here describe the Monies or Rates to be mortgaged*], to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the Metropolitan Board of Works, *or* the said District Board, *or* the said Vestry, (*as the Case may be,*) have hereunto set their Seal, this Day of One thousand eight hundred and .

SCHEDULE (F.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metro-

politan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of for securing the Sum of and Interest [*or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after* "*Assigns*," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

Metropolis Local Management.

A

BILL

For the better Local Management of the Metropolis.

(*Prepared and brought in by Sir Benjamin Hall, Sir George Grey, and Sir William Molesworth*).

Ordered, by The House of Commons, *to be Printed*, 19 *March* 1855.

[Bill 60.]

Under 10 *oz.*

Metropolis Local Management Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble.

Election of Vestries and Auditors in Parishes in Schedules (A.) *and* (B.)

Clause A. Repeal of 1 & 2 W. 4. c. 60. as to Parishes in Schedules (A.) and (B.); Section 1.

Clause B. Vestries in Parishes in Schedules (A.) and (B.) to consist of not less than 18 or more than 120 Persons qualified and elected as after provided; 2.

Clause C. Parishes with more than 2,000 rated Householders to be divided into Wards; 3.

Clause D. Secretary of State to appoint Persons to set out the Wards; 4.

Clause E. In case the relative Amounts of Population of Wards vary in any future Census Numbers of Vestrymen assigned to the several Wards may be altered; 5.

Clause F. Qualification of Vestrymen; 6.

Clause G. First Election of Vestrymen in Parishes in which 1 & 2 W. 4. c. 60. is not in force; 7.

Clause H. The full Number of Vestrymen to be chosen at First Election, and existing Vestries superseded; 8.

Clause I. Term of Office of elected Vestrymen; 9.

Clause K. Provision as to Parishes in which 1 & 2 W. 4. c. 60. is now in force; 10.

Clause L. Vacancies to be filled up at annual Elections; 11.

Clause M. Auditors of Accounts to be chosen; 12.

Clause N. Term of Office of Auditors; 13.

Clause O. Notice of Elections; 14.

Clause P. Churchwardens to appoint Persons to preside at Ward Elections; 15.

Clause Q. Rate Collectors to assist at the Elections; 16.

Clause R. Form of Proceeding at Elections; 17.

Clause S. A Ballot may be demanded; 18.

Clause T. Duty of Inspectors of Votes; 19.

Clause U. Provision for Case of Equality of Votes; 20.

Clause V. If Vestry of any Parish be reduced below Two Thirds Vacancies to be filled up; 21.

Clause W. Penalty for forging or falsifying any Voting Paper or obstructing the Election; 22.

Clause X. Public Notice to be given of Vestrymen and Auditors chosen by Parishioners; 23.

Clause Y. Penalty on Inspector for making incorrect Return; 24.

Clause Z. Vestry to pay Expenses of taking Poll; 25.

Clause A a. Provisions for Places having no Churchwardens and no Church; 26.

Clause B b. How Notices and Lists to be published; 27.

Clause C c. Churchwardens and other Parish Officers not complying with Act guilty of Misdemeanor; 28.

Clause D d. Quorum of Vestries; 29.

Clause E e. Meetings not to be holden in the Church; 30.

Clause F f. Meeting to elect a Chairman; 31.

Formation of Parishes into Districts, and Constitution of District Boards.

Parishes in Schedule (B.) to be united, and form Districts, and District Board constituted; 32.

Vestry to elect Members of District Board; 33.

In case the relative Amounts of Population of Parishes in any District vary on any future Census, Numbers of Members to be returned to District Board may be altered; 34.

Term of Office of Members of District Boards; 35.

Annual Elections to supply Vacancies by Retirement; 36.

Provision as to Parishes not electing as many as Three Members of a District Board; 37.

Provision as to casual Vacancies; 38.

Powers of District Boards to be exercised at Meetings, there being not less than Seven Members present; 39.

Ordinary Meetings of District Boards; 40.

Special Meetings of District Boards; 41.

Chairman to be elected at Meeting of Board; 42.

Incorporation of Vestries and District Boards.

District Boards and Vestries of Parishes in Schedule (A.) incorporated; 43.

Constitution and Incorporation of Metropolitan Board of Works.

Metropolitan Board of Works constituted and incorporated; 44.

Three Members of Metropolitan Board to be elected for the City; 45.

Vestries of single Parishes and District Boards to elect Members of the Metropolitan Board; 46.

Boards for Districts of St. Saviour's and St. Olave, and for Districts of Plumstead, and Lewisham respectively united for electing a Member of Metropolitan Board; 47.

Term of Office of elected Members of Metropolitan Board; 48.

Elected Members of Metropolitan Board to elect a Chairman; 49.

Appointment of Chairman on any Vacancy; 50.

Powers of Metropolitan Board to be exercised at Meetings, theer being not less than Nine Members present; 51.

Meetings of the Metropolitan Board; 52.

Chairman to preside at Meetings, and during Vacancy of his Office, or in his Absence, a temporary Chairman to be chosen; 53.

Provisions concerning Constitution, Procedure, and Officers of Metropolitan and District Boards and Vestries.

Disqualifications of Members of Metropolitan Board and District Boards and Vestries of Parishes in Schedule (A.) and (B.) and of Auditors; 54.

Members of Metropolitan and District Boards, or of Vestries of Parishes in Schedule (A.) or (B.), may resign; 55.

Retiring Members of Metropolitan Boards and Vestries may be re-elected; 56.

No Resolution of Metropolitan or any District Board or Vestry to be revoked at a subsequent Meeting, unless under certain Circumstances; 57.

Committees may be appointed; 58.

Powers of Committee; 59.

Minutes of Proceedings of Metropolitan and District Boards and of Vestries to be entered; 60.

Books to be open to Inspection; 61.

Metropolitan Board and District Boards and Vestries to appoint Officers; 62.

Clerk and Treasurer not to be the same Person; 63.

Penalty on Officers, &c. being interested in Contracts or exacting Fees; 64.

Officers, &c. intrusted with Money to give Security for duly accounting for the same. If Officer fail to render Account, &c. Justices may commit Offender to Prison; 65.

Metropolitan and District Boards and Vestries of Parishes in Schedule (A.) to provide proper Offices, and daily Attendance to be given; 66.

Duties and Powers of Vestries and District Boards.

"Vestry" in following Provisions to mean Vestry of a Parish in Schedule (A.); 67.

Sewers (except Main Sewers) vested in Vestries and District Boards; 68.

Vestries and District Boards to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.; 69.

Power to Vestries and District Boards to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the Parish or District; 70.

Gullyholes, &c. to be trapped; 71.

Vestries and District Boards to cause Sewers, &c. to be cleansed, and prevent them from being a Nuisance; 72.

Vestry or District Board in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer. Penalty on Owner, &c. for Neglect; 73.

No House to be built without Drains constructed to the Satisfaction of the Vestry or District Board; 74.

Notice of Buildings to be given to the Vestry or District Board before commencing the same; 75.

Private Drains may be branched into Sewers constructed by Metropolitan Board or any Vestry or District Board under certain Regulations; 76.

Power to Metropolitan Board or Vestry or District Board to branch private Drains into Sewers, at the Expense of the Party to whom they shall belong; 77.

Vestry or District Board may agree to make House Drains at the Expense of Owners or Occupiers; 78.

Penalty on erecting Houses without proper Waterclosets, &c. All Houses to have proper Waterclosets, &c.; 79.

Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools; 80.

Penalty on Persons improperly making or altering Drains; 81.

Where no Default found Expenses to be paid by Vestry or Board; 82.

Clause G g. Vestry or District Board to cause Drains, &c. to be put into proper Condition, &c. where necessary; 83.

Vestry and Board to cause offensive Ditches, Drains, &c. to be cleansed or covered. Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased; 84.

Power to Vestries and Boards to fill up Ditches by the Side of Roads, and substitute Pipes; 85.

Power to Vestries and Boards to provide public Conveniencies; 86.

Clause H h. Vestries and District Boards may transfer their Powers as to Sewerage to the Metropolitan Board of Works; 87.

Clause I i. Vestries under this Act to have the Powers of former Vestries; 88.

Clause K k. All Powers relating to paving, &c. to be vested in Vestries and in District Boards; 89.

Clause L l. Expenses incurred under existing Powers relating to paving, &c. to be deemed Expenses incurred in execution of this Act; 90.

Transfer of Property; 91.

Existing Contracts, &c. to remain valid; 92.

Powers and Duties of Surveyors of Highways, and Property vested in them, transferred to Vestries and District Boards; 93.

Saving of Rates already made; 94.

Vestry or District Board to pave Streets; 95.

Owners possessing Freehold of Courts, &c. to pave the same; 96.

Owners of Courts to drain them, and keep the Pavement, &c. in repair. Penalty on Owners for Neglect; 97.

Vaults, &c. under Streets not to be made without the Consent of the Vestry or Board; 98.

Vaults, &c. under Streets to be repaired by Owners or Occupiers; 99.

Clause L l *a*. Occupation as separate Dwellings of underground Rooms unfit for Habitation prohibited; 100.

Provisions for paving new Streets; 101.

Vestry or Board may declare any Street not being a Highway to be such. Proviso; 102.

Clause M m. Act not to authorize the making any Thoroughfare without the Consent of the Proprietor of the Estate; 103.

Vestries and District Boards may place Fences, &c. to Footways; 104.

Clause N n. Notice to be given by Companies to Vestries and District Boards when Pavement, &c. is required to be taken up; 105.

Streets not to be broken up, except under the Superintendence of Vestry or Board. Streets broken up to be reinstated without Delay; 106.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents; 107.

Vestry or Board to direct Pavements injured by Water or Gas Pipes to be repaired by the Company to which they belong. Penalty for Neglect; 108.

Company opening the Ground to repair a Pipe discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses; 109.

Power to Vestry or Board to reinstate Pavement, and charge the Expenses to the Parties; 110.

Power for Vestry or Board to contract with Company for restoring Pavements; 111.

Watering of Streets; 112.

Vestry or Board may cause Footways to be cleansed; 113.

Clause O o. Vestries and District Boards may appoint Crossing Sweepers; 114.

Owners, &c. to remove future Projections on Notice from Vestry or Board. Penalty for Neglect; 115.

Vestry or Board may remove existing Projections, and make Compensation for the same; 116.

Hoards to be erected during Repairs. Penalty on not erecting Hoards; 117.

No Hoard to be erected without Licence from Vestry or Board; 118.

If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Vestry or Board, the same may be removed; 119.

Vestries and District Boards to appoint Scavengers; 120.

Penalty for obstructing Scavengers in Performance of their Duty; 121.

Refuse collected to be vested in Vestry or Board, who may dispose of the same towards defraying their Expenses; 122.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades; 123.

Dispute as to what is Refuse of Trade, &c. to be determined by Justices; 124.

Vestries and District Boards to cause Streets to be lighted; 125.

No Slaughter-house to be licensed under the 14th and 15th Vict. c. 61. without Notice to Vestry or District Board; 126.

Vestries and District Boards to appoint Medical Officers of Health; 127.

Inspectors of Nuisances; 128.

Duties and Powers of Metropolitan Board of Works.

Main Sewers vested in the Metropolitan Board of Works, and Power to such Board to make Sewers; 129.

Before Works for intercepting the Sewage are commenced, Plans and Estimate to be submitted to Commissioners of Works; 130.

Metropolitan Board may declare Sewers to be Main Sewers, and take under their Jurisdiction Sewerage Matters under Jurisdiction of Vestries and District Boards; 131.

Metropolitan Board to make Orders for controlling Vestries and District Boards in Construction of Sewers, &c.; 132.

Metropolitan Board may direct Appointments to be made for Two Parishes or Districts jointly; 133.

Or may place a Street in different Parishes under the Management of One Vestry, or Part of a Parish under the Management of Vestry of adjoining Parish; 134.

Clause P p. Metropolitan Board to regulate naming of Streets and numbering of Houses; 135.

Clause P p*a*. Register to be kept of Alterations in Names of Streets; 136.

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Determination of Metropolitan Commission of Sewers.

Powers of Metropolitan Commissioners of Sewers to cease; 138.

Actions, &c. not to abate, but to continue for or against Metropolitan Board of Works; 139.

Rates made by Metropolitan Commissioners of Sewers to be recoverable under this Act; 140.

Property vested in Metropolitan Commissioners of Sewers (except Sewers transferred to Vestries and District Boards) transferred to the Metropolitan Board of Works; 141.

Auxiliary Powers common to the Metropolitan Board of Works and to Vestries and District Boards.

Power to Boards and Vestries to enter into Contracts for carrying Act into execution. Power to compound for Penalties in respect of Breach of Contracts; 142.

Power to Boards and Vestries to purchase Lands, &c. for the Purposes of this Act; 143.

Incorporation of Lands Clauses Act; 144.

Lands not to be taken compulsorily, except by Metropolitan Board with Consent of Secretary of State; 145.

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Power to dispose of Lands or Property not wanted; 147.

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Clause Q q. Regulations as to breaking up Turnpike Roads; 149.

Provisions for defraying Expenses of Vestries and District Boards.

How Sums to be raised by Vestries and District Boards for defraying Expenses; 150.

Vestries and Boards may exempt Parts not benefited by Expenditure from Payment; 151.

Provisions for Cases where a Part of a Parish is placed under the Management of the Vestry or Board of adjoining Parish or District; 152.

Overseers to collect the Rate in the same Manner as the Poor Rate; 153.

Clause R r. Public Buildings and void Spaces now rateable (except Churches and Burial Grounds) to continue rateable; 154.

Clause S s. Land to be rated to the Sewers Rate at One Fourth Part of its annual Value; 155.

Clause T t. Existing Exemptions in respect of Sewers Rate to be allowed; 156.

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Overseers on Nonpayment of the Rate shall be distrained upon; and in default of sufficient Distress the Arrears may be levied on the Parish; 158.

Provision for Cases where the Vestry of any Parish in Schedule (A.) make the Poor Rate; 159.

Clause X x. Special Persons may be appointed to levy Rates in certain Cases; 160.

Provision for Deduction by Tenants of Sewers Rate; 161.

Provisions for defraying Expenses of Metropolitan Board.

Sums to be assessed upon the City and other Parts of the Metropolis by Metropolitan Board for defraying Expenses; 162.

Clause Y y. Right of inspecting County Rate; 163.

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Payment of Sums assessed upon the City; 165.

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Provisions for discharging existing Liabilities of Boards or Bodies having Powers of paving, &c., and of the Metropolitan Commissioners of Sewers.

Provision for discharging existing Liabilities under Local Acts relating to Paving, &c.; 172.

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Power to Boards and Vestries to borrow Money on Mortgage. No Priority amongst Mortgagees; 175.

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Repayment of Money borrowed at a Time agreed upon. Interest on Mortgages to be paid half yearly. As to Repayment of Money borrowed when no Time has been agreed upon. Interest to cease on Expiration of Notice to pay off a Mortgage Debt; 178.

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Transfer of Mortgages. Register of Transfers; 181.

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Accounts of Metropolitan Board, District Board, and Vestries, to be balanced up to the End of each Year; 184.

Auditor of Accounts of Metropolitan Board to be appointed by Secretary of State, and remunerated by the Board; 185.

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Annual Reports by Vestries and District Boards; 190.

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Power to Metropolitan Board of Works to make Byelaws. Penalty for Breach of Byelaws. Power to Justices to remit Penalties; 194.

Publication of Byelaws. Evidence of Byelaws; 195.

Provisions for Protection of Property and Works of Metropolitan and District Boards and Vestries, and preventing Obstruction in execution of Works.

Penalty on Persons sweeping Dirt into Sewers; 196.

Penalty for wilfully damaging, &c., Lamps, or other Property of Vestries or District Boards, or of the Metropolitan Boards; 197.

Persons carelessly or accidentally damaging Lamps, &c. to make Satisfaction; 198.

Penalty on interrupting Workmen, &c. in execution of Duties; 199.

Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name; 200.

Clause Eee. Savings in Local Acts applicable to Commissioners of Sewers to apply to Metropolitan and District Boards and Vestries; 201.

Appeals.

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Clause Ggg. Metropolitan Board to appoint a Committee for hearing Appeals; 203.

Retiring Allowances to Officers of Commissioners of Sewers, and Compensations to other Officers.

Clause Hhh. Power to grant Retiring Allowances to Persons employed under Metropolitan Commissioners of Sewers; 204.

Clause Iii. Compensation to Officers of Paving Boards; 205.

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Where Two or more Persons are to do any Act or pay any Sum of Money, Vestry or Board may apportion the same; 206.

Clause Kkk. Power to Vestries and District Boards to spread Repayment of Expenses over a Period not exceeding Twenty Years; 207.

Occupiers to pay Expenses for which Owners are liable, and to be reimbursed out of the Rent; 208.

Occupier not to be required to pay more than the Amount of Rent owing by him; 209.

Agreements between Landlord and Tenant not to be affected; 210.

Clause Kkk *a*. Service of Notices, &c. on Metropolitan and District Boards and Vestries; 211.

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Tender of Amends; 215.

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Damages to be made good in addition to Penalty; 219.

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Proceedings not to be quashed for Want of Form; 221.

Parties allowed to appeal to Quarter Sessions, on giving Security; 222.

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Clause Lll. Agreement between the London and North-western Railway Company and certain Paving Commissioners confirmed; 226.

Clause Mmm. Special Provision as to Ely Place and Ely Mews; 227.

Clause Nnn. Special Provision as to Woolwich; 228.

Clause Ooo. Special Provision as to inclosed Gardens in Squares, &c.; 229.

Clause Ppp. Saving of Powers and Property of Commissioners under "The Crown Estate Paving Act, 1851," and of Commissioners of Works; 230.

Clause Qqq. Saving of Powers of Commissioners of Sewers of the City over such Parts of any Parishes in Schedule (B.) as are in the City; 231.

Clause Rrr. Saving the Rights of the Metropolitan Sewage Manure Company. 9 & 10 Vict. c. 398. 10 & 11 Vict. c. 138.;—232.

Clause Rrr *a*. Saving as to Turnpike Roads; 233.

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Act may be extended by Order in Council to Parishes adjoining the Metropolis not having less than 750 Ratepayers; 236.

Interpretation and Commencement of Act.

Interpretation of Terms: "the Metropolis;" "the City of London;" "Overseers of the Poor;" "Rates;" "Owner;" "Street;" "Drain;" "Sewer;" "Ashpit;" 237.

Commencement of Act; 238.

Schedules.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

FOR

The better Local Management of the Metropolis.

[Note.—*The Clauses* A *to* S s s *were added in Committee and on Re-commitment.*

WHEREAS it is expedient that Provision should be made for the better Local Management of the Metropolis in respect of the Sewerage and Drainage, and the paving, cleansing, lighting, and Improvements thereof; Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Election of Vestries and Auditors in Parishes in Schedules (A.) and (B.)

Clause A. Repeal of 1 & 2 W. 4. c. 60. as to Parishes in Schedules (A.) and (B).

I. The Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Sixty, "For the better Regulation of Vestries, and for the Appointment of Auditors of Accounts in certain Parishes of England and Wales," shall be repealed, so far as regards any Parish mentioned in either of the Schedules (A.) and (B.) to this Act: Provided always, that the Vestry and Auditors already

already elected for any such Parish under the said Act shall continue to be such Vestry and Auditors, subject nevertheless to the Provisions of this Act; and this Act shall be applicable to every such Vestry and to their Proceedings, and the Books in which the same are entered, and to such Auditors and their Proceedings in lieu of the said Act of King William the Fourth.

CLAUSE B. Vestries in Parishes in Schedules (A.) and (B.) to consist of not less than 18 or more than 120 Persons qualified and elected as after provided.

II. The Vestry in every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall consist of a certain Number of Persons qualified and elected as herein provided; (that is to say,) Eighteen Vestrymen for every Parish in which the Number of rated Householders shall not exceed One thousand; and Six additional Vestrymen, that is, Twenty-four Vestrymen for every Parish in which the Number of rated Householders shall exceed One thousand; and Twelve additional Vestrymen, that is, Thirty-six Vestrymen, for every Parish in which the Number of rated Householders shall exceed Two thousand; and so on at the Proportion of Twelve additional Vestrymen for every Thousand rated Householders: Provided always, that in no Case the Number of Vestrymen shall exceed One hundred and twenty: Provided also, that the Incumbent and Churchwardens of each such Parish shall constitute a Part of the Vestry, and shall vote therein, in addition to the elected Vestrymen: Provided also, that every District Rector now constituting in any such Parish a Part of the Vestry thereof shall continue to constitute a Part of the Vestry thereof under this Act.

CLAUSE C. Parishes with more than 2,000 rated Householders to be divided into Wards.

III. Each of the said Parishes which at the Time of the passing of this Act contains more than Two thousand rated Householders shall be divided into Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose as herein provided to determine and set out, within One Month after the passing of this Act, the Number, Extent, Limits, and Boundary Lines of such Wards, but so nevertheless that no Ward shall contain less than Five hundred rated Householders, and that the whole Number of Wards in any Parish shall not exceed Eight; and the Person or Persons setting out such Wards in any Parish shall apportion among the several Wards the Number of Vestrymen to be elected for such Parish, and shall, in assigning the Number of Vestrymen to each Ward, have regard, as far as in his or their Judgment it is practicable, as well to the Number of Persons rated to the Relief of the Poor in each Ward as to the aggregate Amount of the Sums at which all such Persons are rated; and the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three; and a Copy of the Particulars of such Division and Apportionment shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Vestry Clerk of

of the Parish to which such Division and Apportionment relate; and if Her Majesty, by the Advice of Her Privy Council, approve of such Division and Apportionment, the Particulars thereof shall be published in the London Gazette; and the Parish shall, after such Publication, be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered as herein provided; and the Number of Vestrymen assigned to each Ward shall be the Number to be elected for such Ward until altered as aforesaid: Provided always, that if Her Majesty by Advice of Her Privy Council, do not approve such Division and Apportionment, such Publication as aforesaid shall nevertheless be made, and such Division and Apportionment be in force for the Purpose of any Election under the Provisions of this Act, until such Time as Her Majesty, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of such Parish into Wards, and of the Number of Vestrymen assigned to each Ward in manner hereinbefore mentioned: Provided also, that where any Parish is already divided into Wards under any Local Act such Parish shall be deemed to be divided into such Wards for the Purposes of this Act, without any Division of such Parish into Wards being made as herein-before provided, but the Number of Vestrymen to be elected for such Parish shall be apportioned as aforesaid among the Wards of such Parish by such Person or Persons as may be appointed for that Purpose as herein provided.

CLAUSE D. Secretary of State to appoint Persons to set out the Wards.

IV. One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the passing of this Act, appoint One or more fit Person or Persons to set out the Wards into which the said Parishes are by this Act directed to be divided; and to apportion the Number of Vestrymen to be elected for such Parishes respectively among such Wards, and also to apportion the Number of Vestrymen to be elected for any Parish already divided into Wards as aforesaid among such Wards; and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at the Rate of Five Guineas for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment shall be ascertained and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid out of the Poor Rates of the Parish.

CLAUSE E. In case the Relative Amounts of Population

V. When at any Time, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the inhabited Houses

of Wards vary in any future Census Numbers of Vestrymen assigned to the several Wards may be altered.

Houses in the several Wards of any Parish divided into Wards as aforesaid are found to have varied from those shown by the last previous Census, it shall be lawful for the Metropolitan Board of Works, upon the Application of the Vestry or any Ratepayers of such Parish, to alter the Number of Vestrymen assigned to such Wards or any of them, but so that the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three.

CLAUSE F. Qualification of Vestrymen.

VI. The Vestry elected under this Act in any Parish shall consist of Persons rated or assessed to the Relief of the Poor upon a Rental of not less than Forty Pounds per Annum; and no Person shall be capable of acting or being elected as One of such Vestry for any Parish unless he be the Occupier of a House, Lands, Tenements, or Hereditaments rated or assessed as aforesaid upon such Rental as aforesaid within such Parish: Provided always, That in any Parish in which the Number of Poor Rate Assessments at Forty Pounds or upwards does not exceed One Sixth of the whole Number of such Assessments it shall not be necessary, in order to qualify a Person to be a Vestryman, that the Amount of Rental upon which he is rated or assessed as aforesaid exceed Twenty-five Pounds: Provided also, that the joint Occupation of any such Premises as aforesaid, and a joint Rating in respect thereof, shall be sufficient to qualify each joint Occupier in case the Amount of Rental on which all such Occupiers are jointly rated will, when divided by the Number of Occupiers, give for each such Occupier a Sum not less than the Amount herein-before required.

CLAUSE G. First Election of Vestrymen in Parishes in which 1 & 2 W. 4. c. 60. is not in force.

VII. The First Election of Vestrymen in any such Parish in which the said Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Sixty, is not in force at the Time of the passing of this Act, shall be holden in the Month of October next after the passing of this Act, and before the Twenty-first Day of that Month, and the Day on which such Election shall commence shall be appointed by the Churchwardens of the Parish, and Twenty-one Days previously to the Day of Election Notice of such Election shall be given in manner herein-after directed concerning Notice of Election of Vestrymen and Auditors, and the next such Election shall take place on such Day in the Month of May in the Year One thousand eight hundred and fifty-seven as the Vestry shall appoint, and every subsequent Election shall take place annually in the Month of May in every Year as the Vestry appoint.

CLAUSE H. The full Number of Vestrymen to be chosen

VIII. At the First such Election of Vestrymen as aforesaid for any Parish which the said Act of King William the Fourth is not in force as aforesaid the full Number of Elective Vestrymen of which such

such Vestry is to consist as herein-before mentioned shall be elected, and such Vestrymen, with such other Persons as herein-before mentioned, shall forthwith be deemed to constitute the Vestry of such Parish, and shall supersede any existing Vestry therein.

at First Election, and existing Vestries superseded.

Clause I. Term of Office of elected Vestrymen.

IX. One Third of the Vestrymen first elected under this Act in any Parish in which the said Act of King William the Fourth is not in force as aforesaid, or, where such Parish is divided into Wards under this Act, in each Ward of such Parish, shall go out of Office at the Time appointed for the Election of Vestrymen in the Year One thousand eight hundred and fifty-seven, One other Third of them at the Time appointed for such Election in the Year One thousand eight hundred and fifty-eight, and the remaining Third at the Time appointed for such Election in the Year One thousand eight hundred and fifty-nine; and the Vestry shall, at some Meeting before the Time of the Election in One thousand eight hundred and fifty-seven, determine by Lot which of the Members first elected shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members from Time to Time elected at the annual Elections after the First Election shall go out of Office at the Time appointed for the annual Election in the Third following Year.

Clause K. Provision as to Parishes in which 1 & 2 W. 4. c. 60. is now in force.

X. In any of the said Parishes in which the said Act of King William the Fourth is in force as aforesaid the First Election of Vestrymen under this Act shall take place in the Month of May next after the passing of this Act, and shall commence on such Day as the Vestry appoint; and at such Election, and at every subsequent annual Election, those Vestrymen who have been Three Years in Office shall go out of Office.

Clause L. Vacancies to be filled up at annual Elections.

XI. At every Election of Vestrymen under this Act for any Parish, or any Ward of any Parish, in which the said Act of King William the Fourth is in force as aforesaid, and at every such Election under this Act, except the First, for any Parish or any Ward of any Parish in which the said Act of King William the Fourth is not in force as aforesaid, the Parishioners of such Parish entitled to vote in such Election shall elect as many Vestrymen as there are Vacancies in the Vestry, or among the Vestrymen elected for such Ward, whether such Vacancies be occasioned by the Expiration of the Term of Office, or by Death or otherwise; and where any such first-mentioned Parish is divided into Wards there shall be elected for each Ward in the Years One thousand eight hundred and fifty-six, One thousand eight hundred and fifty-seven, and One thousand eight hundred and fifty-eight respectively, so many Vestrymen as upon a Division of the Number of Vacancies in the Vestry among the several Wards in proportion to

the whole Number of Vestrymen assigned to such Ward under this Act will fall to such Ward, and it shall not be necessary to fill up such Vacancies otherwise than to the Extent to which the same are so divisible.

CLAUSE M. Auditors of Accounts to be chosen

XII. For every Parish mentioned in either of the Schedules (A.) and (B.) to this Act, there shall be elected such Number as herein-after mentioned of the Ratepayers of the Parish who have signified in Writing their Assent to serve, to be Auditors of Accounts, which Auditors shall be so elected at the same Times and in the same Manner as Members of the Vestry; and the Number of Ratepayers so to be elected Auditors in any Parish not divided into Wards under this Act shall be Five, and the Number of Ratepayers so to be elected Auditors in any Parish which is divided into Wards shall be the same as the Number of Wards, One Auditor being elected in each Ward: Provided always, that where the Number of Wards into which any Parish is divided exceeds Five, the Vestry of such Parish shall at their First Meeting after the Election of Auditors as aforesaid, in any Year, elect by Ballot from among such Auditors Five of them, and the Five Persons so elected by Ballot shall be the Auditors for such Parish exclusively of any other Person or Persons who may have been elected an Auditor or Auditors for such Parish under the Provisions herein contained; and a List of the Five Persons so elected by the Vestry shall be forthwith published by the Churchwardens in the Parish as herein provided: Provided also, that no Person shall be eligible to fill the Office of Auditor of Accounts who is not qualified to fill the Office of Vestryman for the Parish; but no Person shall be eligible to fill the Office of Auditor who is a Member of the Vestry; and if any Person be chosen to be both a Member of the Vestry and Auditor of Accounts he shall be incapable of acting as a Vestryman.

CLAUSE N. Term of Office of Auditors.

XIII. The Auditors first elected under this Act in any Parish as aforesaid shall go out of Office at the Time appointed for the Election of Vestrymen and Auditors in the Year One thousand eight hundred and fifty-seven, and the Auditors then elected and to be thereafter elected shall go out of Office at the Election of Vestrymen and Auditors in the Year next following their Election; and the Auditors elected before the passing of this Act in any such Parish as aforesaid in which the said Act of King William the Fourth is in force as aforesaid shall go out of Office at the Time appointed for the First Election of Auditors under this Act in such Parish.

CLAUSE O. Notice of Elections.

XIV. The Churchwardens of every Parish mentioned in either of the said Schedules (A.) and (B.), which is not divided into Wards, shall, on some Sunday at least Twenty-one Days previously to the Day

Day of annual Election of Vestrymen, cause to be published in such Parish as herein provided a Notice according to the following Form:

'Parish of [here insert Name of Parish].

'The Parishioners duly qualified according to the Provisions of the 'Act of the Session holden in the Eighteenth and Nineteenth Years 'of the Reign of Queen Victoria, intituled "An Act," [here insert 'the Title of the Act], are hereby required to meet at 'on the Day of conformably to the Provisions of the 'said Act, and then and there to consider of and elect fit and proper 'Persons to be Vestrymen and Auditors of Accounts of the Parish 'of for the ensuing Year [the Words "for the ensuing 'Year" to be omitted in the Notice of the First Election in Parishes 'in which the Act 1 & 2 Wm. 4. c. 60. is not in force at the passing 'of this Act]; that is to say,

' Members of the Vestry,
' Auditors of Accounts.'

And the Churchwardens of every such Parish as aforesaid which is divided into Wards shall at the Time aforesaid cause to be published as herein provided, in each Ward of the Parish, a Notice according to the following Form:

'Parish of , Ward of [inserting the Parish and Ward].

'The Parishioners duly qualified according to the Provisions of 'the Act of Parliament of the Session holden in the Eighteenth and 'Nineteenth Years of the Reign of Queen Victoria, intituled "An 'Act" [here insert the Title of this Act], are hereby required to 'meet at on the day of , 'conformably to the Provisions of the said Act, and then and there 'to consider of and elect fit and proper Persons to be 'Vestrymen and an Auditor of Accounts of the Parish of 'for the Ward of for the ensuing Year [the Words "for 'the ensuing Year" to be omitted in the Notice of the First Election 'in Parishes in which the Act 1 & 2 Wm. 4. c. 60. is not in force at 'the passing of this Act].'

Clause P. Churchwardens to appoint Persons to preside at Ward Elections.

XV. Where any Parish is divided into Wards, the Churchwardens, Three clear Days at least before the Day of Election, shall appoint in Writing under their Hands a Person to preside at such Election as aforesaid in each of the said Wards, except any Ward in which One of the Churchwardens shall preside, and notify such Appointment to the Vestry Clerk of the Parish.

Clause Q. Rate Collectors to assist at the Elections.

XVI. The Rate Collectors, or Persons appointed by them, shall attend the Churchwardens and Persons presiding at Elections under this Act, and Inspectors of Votes, to assist in ascertaining that the Persons presenting themselves to vote are Parishioners rated to the

Relief of the Poor in the Parish, or the respective Wards thereof, and duly qualified to vote at the Election.

CLAUSE R. Form of Proceeding at Elections.

XVII. On the Day of Election of Vestrymen and Auditors in any Parish under this Act the Parishioners then rated to the Relief of the Poor in the Parish, or, where the Parish is divided into Wards under this Act, in the Ward thereof for which the Election is holden, and who are desirous of voting, shall meet at the Place appointed for such Election, and shall then and there nominate Two Ratepayers of the Parish, or (if the Parish be divided into Wards) of the Ward for which the Election is holden, as fit and proper Persons to be Inspectors of Votes; and the Churchwardens, or, in the Case of a Ward Election, such One of the Churchwardens as is present thereat, or, where One of the Churchwardens is not present, the Person appointed by them to preside thereat shall, immediately after such Nomination as aforesaid by the Parishioners, nominate Two other such Ratepayers to be such Inspectors; and after such Nominations the said Parishioners shall elect such Persons duly qualified as may be there proposed for the Offices of Vestrymen and Auditors or Auditor; and the Chairman at such Meeting shall declare the Names of the Parishioners who have been elected by a Majority of Votes at such Meeting: Provided nevertheless, that no Person shall be entitled to join or vote in any such Election for any Parish, or any Ward of any Parish, or be deemed a Ratepayer thereof, or be entitled to do any Act as such under this Act, unless he have been rated in such Parish to the Relief of the Poor for One Year next before the Election, and have paid all Parochial Rates, Taxes, and Assessments due from him at the Time of so voting or acting, except such as have been made or become due within Six Months immediately preceding such voting or acting.

CLAUSE S. A Ballot may be demanded.

XVIII. Provided always, That any Five Ratepayers may then and there, in Writing or otherwise, demand a Poll, which shall be taken by Ballot on the Day next following, and shall commence at Eight of the Clock in the Forenoon and close at such Hour as herein-after mentioned; that is to say, at Six of the Clock in the Afternoon in the Case of any Election to be holden in October One thousand eight hundred and fifty-five, and at Eight of the Clock in the Afternoon in all other Cases; each Ratepayer delivering to the aforesaid Inspectors Two folded Papers, One of which Papers shall contain the Names of the Persons for whom such Parishioner may vote as fit and proper to be Members of the Vestry, and the other shall contain the Names or Name of the Persons or Person for whom such Parishioner may vote as fit and proper to be Auditors or Auditor of Accounts; and each Ratepayer shall have One Vote and no more for the Members of the Vestry

Vestry, and One Vote and no more for the Auditors or Auditor of Accounts to be chosen in the said Parish or Ward.

CLAUSE T. Duty of Inspectors of Votes.

XIX. The Persons voting shall deposit such folded Papers in Two separate Sets of Balloting Glasses or Boxes, One Set for Voting Papers for Members of Vestry, and another Set for the Voting Papers for Auditors or an Auditor; and the said Balloting Glasses or Boxes shall be closed at the Time herein-before fixed for the closing of the Poll; and the Inspectors for the Parish or Ward (as the Case may be) shall forthwith meet together, and proceed to examine the said Votes, and if necessary shall continue the Examination by Adjournments from Day to Day, not exceeding Two Days (Sunday excepted), until they have decided upon the Persons duly qualified according to the Provisions of this Act who may have been chosen to fill the aforesaid Offices.

CLAUSE U. Provision for Case of Equality of Votes.

XX. In case an Equality of Votes appear to the aforesaid Inspectors to be given for any Two or more Persons to fill either of the said Offices, the Inspectors shall decide by Lot upon the Person to be chosen.

CLAUSE V. If Vestry of any Parish be reduced below Two Thirds Vacancies to be filled up.

XXI. If in the Interval between any Election under this Act of Vestrymen in any Parish and the Time at which the next Election would in the Absence of this Enactment have taken place the Number of such Vestrymen be reduced below Two Thirds of the full Number, so many Vestrymen as may be requisite for filling up such Number shall be forthwith elected in like Manner as in the Case of the annual Election of such Vestrymen, and the Provisions of this Act shall be applicable in the Case of such Election accordingly, save that the Notice of Election shall be varied from the Form prescribed by this Act so far as may be necessary, and where such Parish is divided into Wards under this Act each Ward shall supply the Vacancies among the Members elected for the same; and in case any of the Members whose Offices have become vacant were elected before the Division of such Parish into Wards, the Number of Members to be elected to supply such last-mentioned Vacancies shall be divided among the several Wards in proportion to the whole Number of Vestrymen assigned to each Ward; and it shall not be necessary to fill up the same otherwise than to the Extent to which the same are so divisible.

CLAUSE W. Penalty for forging or falsifying any Voting Paper or obstructing the Election.

XXII. If any Person knowingly personate and falsely assume to vote in the Name of any Parishioner entitled to vote in any Election under this Act, or forge or in any way falsify any Name or Writing in any Paper purporting to contain the Vote or Votes of any Parishioner voting in any such Election, or by any Contrivance attempt

to obstruct or prevent the Purposes of any such Election, the Person so offending shall, upon Conviction before any Two or more Justices of the Peace having Jurisdiction in the Parish, be liable to a Penalty of not less than Ten and not more than Fifty Pounds, and in default of Payment thereof shall be imprisoned for a Term not exceeding Six nor less than Three Months.

CLAUSE X. Public Notice to be given of Vestrymen and Auditors chosen by Parishioners.

XXIII. The Inspectors shall, immediately after they have decided upon whom the aforesaid Elections have fallen, deliver to the Church wardens, or to One of them, or other the Person presiding at the Election, a List of the Persons chosen by the Parishioners to act as Vestrymen and Auditors or an Auditor of Accounts; and the said List, or a Copy thereof, shall be published in the Parish as herein provided.

CLAUSE Y. Penalty on Inspector for making incorrect Return.

XXIV. If any Inspector wilfully make or cause to be made an incorrect Return of the said Votes, every such Offender shall, upon Information laid by any Person before Two or more Justices of the Peace having Jurisdiction in the Parish, and upon Conviction for such Offence, be liable to a Penalty of not less than Twenty-five Pounds and not exceeding Fifty Pounds.

CLAUSE Z. Vestry to pay Expenses of taking Poll.

XXV. The Vestry of every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall provide such Places as may be requisite for holding Elections of Vestrymen and Auditors under this Act, and taking the Poll thereat; and the Expenses of providing such Places, of publishing Notices, of taking the Poll, and of making the Return at Elections of Vestrymen and Auditors shall be paid out of the Poor Rates of the Parish by Order of the Vestry: Provided always, that the Places requiring to be provided for the First Election under this Act of Vestrymen and Auditors in any Parish in which the said Act of King William the Fourth is not in force as aforesaid shall be provided by the Churchwardens, and the Expenses of providing the same shall be paid out of the Poor Rates upon their Order.

CLAUSE A a. Provisions for Places having no Churchwardens and no Church.

XXVI. The Provisions herein-before contained shall, so far as concerns any Parish in either of the said Schedules (A.) and (B.) in which there are no Churchwardens, be construed as referring to the Overseers of the Poor instead of the Churchwardens.

CLAUSE B b. How Notices and Lists to be published.

XXVII. Every Notice and List herein-before required to be published in any Parish or Ward of any Parish shall be so published by being fixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church

Church and Public Chapel in such Parish or Ward, including Places of Public Worship which do not belong to the Established Church, and if there be no such Building as aforesaid, then in some public and conspicuous Situation within such Parish or Ward.

CLAUSE Cc. Churchwardens and other Parish Officers not complying with Act, guilty of Misdemeanor.

XXVIII. If any Churchwarden, Overseer, Rate Collector, or other Parish Officer refuse or neglect to call any Meeting, or give any Notice, or do any other Act required of him under the Provisions of this Act, he shall be deemed guilty of a Misdemeanor.

CLAUSE Dd. Quorum of Vestries.

XXIX. All Powers or Duties to be performed by the Vestry of any Parish under this Act may be exercised and performed respectively by the major Part of such Vestry assembled at any Meeting, there being not less than Five Vestrymen present at a Meeting of a Vestry which consists of Eighteen elected Vestrymen and no more, and not being less than Seven Vestrymen present at a Meeting of a Vestry which consists of Twenty-four elected Vestrymen and no more, and not being less than Nine Vestrymen present at a Meeting of a Vestry which consists of Thirty-six elected Vestrymen or upwards; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Vestrymen present, and the Vestry may act notwithstanding any Vacancies therein.

CLAUSE Ee. Meetings not to be holden in the Church.

XXX. In any Case in which the Vestry-room of any such Parish as aforesaid is not sufficiently large and commodious for any Vestry Meeting, such Meeting shall be held elsewhere within the said Parish, but not in the Church or Chapel thereof.

CLAUSE Ff. Meeting to elect a Chairman.

XXXI. At every Meeting of any Vestry under this Act, in the Absence of the Persons authorized by Law or Custom to take the Chair, the Members present shall elect a Chairman for the Occasion before proceeding to other Business.

Formation of Parishes into Districts, and Constitution of District Boards.

Parishes in Schedule (B.) to be united, and form Districts, and District Board constituted.

XXXII. For the Purposes of this Act the several Parishes mentioned in Schedule (B.) to this Act shall be united, and form the respective Districts mentioned in conjunction therewith and named in the First Column of the same Schedule; and there shall be a Board of Works for each such District, composed of the Members elected as herein-after mentioned for the Parishes forming such District.

Vestry to elect Members of District Board.

XXXIII. The Vestry of every Parish in any such District shall on the First Day of November in the Year One thousand eight hundred and fifty-five elect the Number of Persons mentioned in the Third

Column of the said Schedule (B.) in conjunction with such Parish to be a Member or Members of the Board of Works for such District.

In case the relative Amounts of Population of Parishes in any District vary on any future Census, Numbers of Members to be returned to District Board may be altered.

XXXIV. When at any Time hereafter, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the inhabited Houses in the several Parishes forming any such District are found to have varied from those shown by the last previous Census, it shall be lawful for the Metropolitan Board of Works constituted by this Act, upon the Application of the Vestry or any Ratepayers of any such Parish, to alter the Number of the Members of the Board of Works for such District to be elected for all or any of the Parishes therein; but so that the Number of Members to be elected for any such Parish, if exceeding Three, shall be a Number divisible by Three.

Term of Office of Members of District Boards.

XXXV. One Third of the Members of any such Board first elected for any Parish for which Three or more such Members are by this Act appointed to be elected shall go out of Office at the Time hereinafter appointed for the Election of Members of such Board in the Year One thousand eight hundred and fifty-seven, One other Third of them at the Time appointed for such Election in One thousand eight hundred and fifty-eight, and the remaining Third at the Time appointed for such Election in the Year One thousand eight hundred and fifty-nine; and the Vestry shall at the Time of the First Election under this Act of such Members determine by Lot which of the Members first elected shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members elected to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office at the Election of Members of such Board in the Third following Year.

Annual Elections to supply Vacancies by Retirement.

XXXVI. The Vestry of every such Parish shall on the First Wednesday in the Month of June in the Year One thousand eight hundred and fifty-seven, and in every subsequent Year, elect so many Vestrymen of such Parish to be Members of the Board for the District in which such Parish is comprised as may be necessary for supplying the Vacancies among the Members of such Board elected for such Parish occasioned by Expiration of the Term of Office of the Members going out of Office at the Time of such Election.

Provision as to Parishes not electing as many as

XXXVII. The Members of any such Board first elected for Parishes for which less than Three Members are by this Act appointed to be elected shall go out of Office on the said First Wednesday

Wednesday in June One thousand eight hundred and fifty-nine, and Members subsequently elected for such Parishes to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office on the First Wednesday in June, in the Third Year following their Election; and the Vestries of such Parishes shall on the said First Wednesday in June in the Year One thousand eight hundred and fifty-nine, and in every Third following Year, elect Members in the Place of the Members then going out of Office. Three Members of a District Board.

XXXVIII. When any Member of any District Board dies, resigns, or ceases to be such Member, otherwise than by the Expiration of his Term of Office, the Vestry of the Parish for which he was elected shall with all convenient Speed elect a Person to be a Member of such Board in his Place; and every Member of any such Board elected to supply any such Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time. Provision as to casual Vacancies.

XXXIX. All Powers and Duties vested in the Board of Works for any District may be exercised or performed at any Meeting of such Board holden under this Act, there being not less than Seven Members of the Board present; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Members present; and the Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board, in pursuance of this Act. Powers of District Boards to be exercised at Meetings, there being not less than Seven Members present.

XL. The First Meeting of the Board of Works for any District shall be holden on the Wednesday in the Week next following the Election of such Board, at Ten o'Clock in the Forenoon, at the Place at which the Vestry of the Parish in such District first named in Schedule (B.) to this Act usually meet; and every subsequent Ordinary Meeting shall be holden on and at such Day, Time, and Place as the Board may from Time to Time appoint in this Behalf, subject, nevertheless, to the Provision herein-after contained, appointing the Day on which Meetings shall be holden for the First Election of the Metropolitan Board of Works. Ordinary Meetings of District Boards.

XLI. A Special Meeting of any such Board may be convened by any Five Members of the Board, or by the Clerk of the Board, upon the Requisition in Writing of Five Members of the Board, by a Notice to the several Members thereof Forty-eight Hours at least before the Time of meeting, such Notice to be signed by the Members or Clerk convening the Meeting, and to specify the Object thereof. Special Meetings of District Boards.

Chairman to be elected at Meeting of Board.

XLII. Every such Board shall at every Meeting of such Board, before proceeding to Business, elect a Chairman of such Meeting, and such Chairman, in case of an Equality of Votes on any Question, shall have a Second or Casting Vote.

Incorporation of Vestries and District Boards.

District Boards and Vestries of Parishes in Schedule (A.) incorporated.

LXIII. The Board to be constituted as aforesaid for every such District shall be a Body Corporate by the Name of "The Board of Works for the District," and the Vestry of every Parish mentioned in Schedule (A.) to this Act shall be a Body Corporate by the Name of "The Vestry of the Parish of in the County of ," and every such Board and Vestry shall by such Name respectively have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Constitution and Incorporation of Metropolitan Board of Works.

Metropolitan Board of Works constituted and incorporated.

XLIV. A Board, to be called "The Metropolitan Board of Works," shall be constituted as herein-after mentioned, and such Board shall by such Name be a Body Corporate, and have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Three Members of Metropolitan Board to be elected for the City.

XLV. The Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, shall on the Twelfth Day of November One thousand eight hundred and fifty-five elect Three Persons to be Members of the said Metropolitan Board, and shall, when any Member of such Board elected by the said Mayor, Aldermen, and Commons dies, resigns, or otherwise ceases to be such Member, elect some Person in his Place.

Vestries of single Parishes and District Boards to elect Members of the Metropolitan Board.

XLVI. The Vestry of each of the Parishes mentioned in the First Part of the said Schedule (A.) shall, at a Meeting of such Vestry to be holden on the Twelfth Day of November One thousand eight hundred and fifty-five, elect Two Persons to be Members of the said Metropolitan Board of Works; and the Vestry of each of the Parishes mentioned in the Second Part of the said Schedule (A.), and the Board of Works for each of the Districts mentioned in the First Part of the said Schedule (B.), shall, at a Meeting of such Vestry and Board respectively to be holden on the last-mentioned Day, elect One Person to be a Member of the said Metropolitan Board; and every such Vestry and Board shall, when any Member of

of such Metropolitan Board, elected by such Vestry or Board, dies, resigns, or otherwise ceases to be such Member, elect a Person, to be a Member of the said Metropolitan Board in the Place of the Member so dying, resigning, or otherwise ceasing to be such Member.

Boards for Districts of St. Saviour's and St. Olave and for Districts of Plumstead and Lewisham respectively united for electing a Member of Metropolitan Board.

XLVII. The Districts of Saint Saviour's and Saint Olave, mentioned in the Second Part of the said Schedule (B.), shall be united for the Purpose of electing from Time to Time a Member of the said Metropolitan Board of Works, and the Districts of Plumstead and Lewisham, also mentioned in the Second Part of such Schedule, shall also be united for the Purpose of electing from Time to Time a Member of such Board; and the Boards of Works of the Districts of Saint Saviour's and Saint Olave shall, at a joint Meeting of the said Boards to be holden on the said Twelfth Day of November One thousand eight hundred and fifty-five, at the Place of Meeting of the Board of Works for the District of Saint Saviour's, elect a Person to be a Member of the said Metropolitan Board, and the Boards of Works for the Districts of Plumstead and Lewisham shall, at a joint Meeting of such Boards to be holden at the Place of Meeting of the Board of Works for the District of Plumstead, elect a Person to be a Member of the said Metropolitan Board; and when any Member of the said Metropolitan Board elected by the Boards of Works for the united Districts of Saint Saviour's and Saint Olave, or for the united Districts of Plumstead and Lewisham, dies, resigns, or otherwise ceases to be such Member, the Boards of Works by which such Member was elected shall, at a joint Meeting of such Boards to be holden at the Place aforesaid, elect some Person in his Place; and such Meetings shall be convened as follows; that is to say, the Clerk of the Board of Works for the District of Saint Saviour's shall communicate with the Clerk of the Board of Works for the District of Saint Olave, and arrange with him the Time of such Meeting of the Boards of Works for such Districts, and the Clerk of the Board of Works for the District of Plumstead shall communicate with the Clerk of the Board of Works for the District of Lewisham, and arrange with him the Time of such Meeting of the Boards of Works for such Districts, and when such Arrangement has been made, Notice of the Time, Place, and Object of such Meeting shall be given by such Clerks respectively in manner required for Notices of Special Meetings of the Boards for such Districts; and every Election to be made as aforesaid by the said Boards for any united Districts shall be determined by the Votes of the Majority of the Members thereof present at the Meeting; and such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.

Term of Office of elected Members of Metropolitan Board.

XLVIII. One Third of the Members first elected as aforesaid of the Metropolitan Board of Works shall go out of Office on the Second Wednesday in June One thousand eight hundred and fifty-seven, One other Third of them on the Second Wednesday in June One thousand eight hundred and fifty-eight, and the remaining Third on the Second Wednesday in June One thousand eight hundred and fifty-nine; and such first elected Members shall determine by Lot among themselves which of them shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members of the said Board elected to supply any Vacancy occasioned by any Member's going out of Office by the Expiration of his Term of Office shall go out of Office on the Second Wednesday in June in the Third Year next following the Year of his Election; and every Member of the said Board elected to supply any other Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time.

Elected Members of Metropolitan Board to elect a Chairman.

XLIX. The Members first elected of the Metropolitan Board of Works shall meet at such Time and Place as One of Her Majesty's Principal Secretaries of State shall by Notice in the London Gazette appoint in this Behalf, and shall at such Meeting, or some Meeting to be holden by Adjournment thereof (which it shall be competent for the Members present to appoint), elect a Chairman of the said Board, and shall also decide upon the Amount of Salary to be paid to such Chairman, such Salary not to be less than One thousand five hundred Pounds and not to exceed Two thousand Pounds per Annum; and such Members, before proceeding at any such Meeting to such Election, or to determine the Amount of such Salary, shall choose from among the Members present a Chairman of such Meeting, and such Election of the future Chairman of the Board shall be determined by the Votes of the Majority of the Members present, and in case of an Equality of Votes the Chairman of the Meeting shall have a Second or Casting Vote, and any Person may be elected as aforesaid, whether he be or be not a Member of the said Board; and such Chairman shall be subject to be removed by a Resolution agreed to by Two Thirds of the Members present at any Meeting specially convened for considering the Question of such Removal; and in case any elected Member of the said Metropolitan Board be appointed Chairman thereof, he shall thenceforth be a Member thereof by virtue only of his Office of Chairman, and his Place as an elected Member shall become vacant, and another shall be elected in his Stead.

L. Upon every Vacancy in the Office of Chairman of the said Metropolitan Board a new Chairman shall be appointed, and his Salary fixed, in manner herein-before mentioned, save that the Appointment of such Chairman may be made at any such Meeting as may be provided in this Behalf by the Regulations for the Time being of the said Metropolitan Board. Appointment of Chairman on any Vacancy.

LI. All Powers and Duties vested in the Metropolitan Board of Works may be exercised and performed at any Meeting of such Board at which not less than Nine Members of the Board are present; and at every such Meeting all Questions shall be determined by the Votes of the Majority of the Members present; and such Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board in pursuance of this Act, but such Board shall not be deemed to be constituted until the First Election of a Chairman of such Board under this Act. Powers of Metropolitan Board to be exercised at Meetings, there being not less than Nine Members present.

LII. The First Meeting of the said Metropolitan Board shall be holden at such Time and Place as the Chairman may appoint, of which Notice in Writing, signed by such Chairman, shall be given to each elected Member of the said Board Two clear Days at the least before the Time of such Meeting; and the said Board may meet at such Times and Places as they may from Time to Time appoint; and a Special Meeting of the said Board may be convened by the Chairman of the said Board, or by the Clerk thereof, upon the Requisition in Writing of the Chairman or any Five Members of the Board, by a Notice to the several Members thereof Two clear Days at the least before the Time of meeting, such Notice to be signed by the Chairman or Clerk convening the Meeting, and to specify the Object thereof. Meetings of the Metropolitan Board.

LIII. The Chairman of the Metropolitan Board of Works for the Time being elected under this Act shall preside at every Meeting of such Board at which he is present; and in case of a Vacancy in the Office of such Chairman, or in his Absence, some other Member of such Board shall be chosen to preside thereat; and in case there be an equal Number of Votes upon any Question, the Chairman presiding at the Meeting shall have a Second or Casting Vote. Chairman to preside at Meetings, during Vacancy of his Office, or in his Absence, a temporary Chairman to be chosen.

Provisions concerning Constitution, Procedure, and Officers of Metropolitan and District Boards and Vestries.

LIV. In case any Member of the Metropolitan Board of Works, or of any District Board of Works, or of any Vestry for any Parish mentioned in Schedule (A.) or (B.) to this Act, or any Auditor of Disqualifications of Members of Metropolitan Board and

District Boards and Vestries of Parishes in Schedule (A.) and (B.) and of Auditors.

the Accounts of any such Board or Vestry be declared bankrupt, or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or compound with his Creditors, or accept or hold any Office under the Board or Vestry of which he is a Member, or of whose Accounts he is Auditor, other than, in the Case of any such Auditor, his Office of Auditor, or in any Manner be concerned or interested in any Contract or Work made with or executed for such Board or Vestry, in every such Case such Person shall cease to be such Member or Auditor as aforesaid: Provided always, that no Person being a Shareholder of any Joint Stock Company shall be disabled from continuing or acting as a Member of any such Board or Vestry by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company; but no such Member shall vote upon any Question in which such Company is interested; and any Person who acts as a Member of any such Board or Vestry, or as Auditor of the Accounts thereof, after ceasing to be such Member or Auditor as aforesaid, or who, being a Shareholder in any Joint Stock Company, votes upon any Question in which such Company is interested, and any Person who acts as a Member of any such Vestry as aforesaid without being qualified by Rating and Occupation as required by this Act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person who may sue for the same in any of the Superior Courts of Law, with full Costs of Suit: Provided also, that all Acts and Proceedings of any Person ceasing to be such Member or Auditor, or disabled from acting as aforesaid, shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Members of Metropolitan and District Boards, or of Vestries of Parishes in Schedule (A.) or (B.), may resign.

LV. Any Member of the Metropolitan Board of Works, or of any Vestry elected for any Parish mentioned in Schedule (A.) or (B.) to this Act, or of the Board of Works for any District, may at any Time resign his Office, such Resignation of any Member of the Metropolitan Board of Works to be notified in Writing signed by such Member to the Chairman of such Board, and such Resignation of any Vestryman or Member of any such District Board to be notified in Writing signed by such Vestryman or Member to the Churchwardens of the Parish for which he was elected.

Retiring Members of Boards and Vestries may be re-elected.

LVI. Any Member of the Metropolitan Board of Works, or of any District Board of Works, or of any such Vestry, going out of Office, shall, if qualified, be capable of immediate Re-election.

No Resolution of Metropolitan or any Dis-

LVII. No Resolution or other Act of the Metropolitan Board of Works, or of the Board of Works for any District, or of any such Vestry shall be revoked or altered at any subsequent Meeting, unless such

such subsequent Meeting be specially convened for the Purpose, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Members of the Board, or of the Vestrymen present at such subsequent Meeting, if the Number of Members or Vestrymen present at such subsequent Meeting be not greater than the Number present when such Resolution was made or such Act was done, but if the Number of Members or Vestrymen present at such subsequent Meeting be greater than the Number present at such former Meeting, then such Revocation or Alteration may be determined upon by a mere Majority.

trict Board or Vestry to be revoked at a subsequent Meeting, unless under certain Circumstances.

LVIII. It shall be lawful for the Metropolitan Board of Works, and the Board of Works for any District, and any such Vestry respectively, to appoint a Committee or Committees for any Purposes which, in the Discretion of the Board or Vestry, would be better regulated and managed by means of such Committee, and at any Meeting to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be submitted to the general Body of the Board or Vestry appointing such Committee for their Approval.

Committees may be appointed.

LIX. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present.

Powers of Committee.

LX. Entries of all Proceedings of the Metropolitan Board of Works and every such District Board, and of any such Vestry, with the Names of the Members who attend each Meeting, shall be made in Books to be provided and kept for that Purpose, under the Direction of the Board or Vestry, and shall be signed by the Members present, or any Two of them; and all Entries purporting to be so signed shall be received as Evidence, without Proof of any Meeting of the Board or Vestry having been duly convened or held, or of the Presence at any such Meeting of the Persons named in any such Entry as being present thereat, or of such Persons being Members of the Board or Vestry, or of the Signature of any Person by whom any such Entry purports to be signed, all which Matters shall be presumed, until the contrary be proved; and every such Board and Vestry shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid by them or under their Authority, and of all Liabilities incurred by them, and of the several Purposes for which such Sums of Money are received and paid and such Liabilities incurred, and Copies of all Contracts entered into by any such Board or Vestry.

Minutes of Proceedings of Metropolitan and District Boards and of Vestries to be entered.

Books to be open to Inspection.

LXI. All such Books shall at all reasonable Times be open to the Examination of every Member of the Board and Vestry respectively to which such Books belong, and of every Owner of Property, Churchwarden, Overseer, and Ratepayer within the Metropolis, as regards Books of the said Metropolitan Board, and of every Owner of Property, Churchwarden, Overseer, and Ratepayer within any District or Parish, as regards Books belonging to the District Board or Vestry thereof (as the Case may be), and of every Creditor on the Rates raised under this Act by any such Board or Vestry respectively, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Members of the Board or Vestry, or any of them, or any of the Officers or Servants of the Board or Vestry having the Custody of the said Books, being thereunto reasonably requested, refuse to permit or do not permit any such Owner of Property, Churchwarden, Overseer, Ratepayer, or Creditor to examine the same, or take any Copies or Extracts, every such Member, Officer, or Servant so offending shall for every such Offence, upon a summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Ten Pounds.

Metropolitan Board and District Boards and Vestries to appoint Officers.

LXII. The Metropolitan Board of Works, and (subject to the Provisions herein contained) the Board of Works for every District under this Act, and the Vestry of every Parish mentioned in Schedule (A.) to this Act, shall respectively appoint or employ, or continue for the Purposes of this Act, and may remove at pleasure, such Clerks, Treasurers, and Surveyors, and such other Officers and Servants as may be necessary, and may allow to such Clerks, Treasurers, Surveyors, Officers, and Servants respectively such Salaries and Wages as the Board or Vestry may think fit.

Clerk and Treasurer not to be the same Person.

LXIII. No Person holding the Office of Treasurer under the Metropolitan Board, or any District Board or any such Vestry, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law.

Penalty on Officers, &c. being inte-

LXIV. No Officer or Servant of the Metropolitan Board, or of any District Board or any such Vestry, shall be in anywise concerned or interested

interested in any Contract or Work made with or executed for such Board or Vestry; and if any such Officer or Servant be so concerned or interested, or, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under such Board or Vestry, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law; provided that no Person, being a Shareholder of any Joint Stock Company, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company.

Interested in Contracts or exacting Fees.

LXV. Before any Officer or Servant as aforesaid enters upon any Office or Employment under this Act, by reason whereof he will or may be intrusted with the Custody or Control of Money, the Board or Vestry shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer and Servant, as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Board or Vestry, make out and deliver a true and perfect Account, in Writing signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall together with such Account deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer or such Person as the Board or Vestry may appoint all Monies owing by him; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if, for the Space of Five Days after being thereunto required, he fail to deliver up to the Board or Vestry, or to such Person as they may appoint, all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Board or Vestry, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices, at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him or left at his last known Place of Abode in England, and if it appear to the last-mentioned Justices that he has failed to render any

Officers, &c. intrusted with Money to give Security for duly accounting for the same.

If Officer fail to render Account, &c. Justices may commit Offender to Prison.

such Account, or to produce and deliver up any such Vouchers or Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appears that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain, without Bail, for a Period not exceeding Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal to cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Metropolitan and District Boards and Vestries of Parishes in Schedule (A.) to provide proper Offices, and daily Attendance to be given.

LXVI. The Metropolitan Board of Works and every such District Board and Vestry respectively shall provide and maintain such Offices within their respective District or Parish as may be necessary for the Purposes of this Act, and shall take care that their Clerk, or some Person duly authorized by them in that Behalf, attends at their Office daily (Sundays, Christmas Day, and Good Friday, and Days appointed for any General Fast or Thanksgiving, alone excepted), for the Purpose of receiving Notices and transacting the ordinary Business of the Board or Vestry under this Act.

Duties and Powers of Vestries and District Boards.

"Vestry" in following Provisions to mean Vestry

LXVII. Where in the Provisions herein-after contained any Expression is used referring to the Vestry of a Parish, such Expression shall be construed as referring only to the Vestry of a Parish mentioned in Schedule

Schedule (A.) to this Act, unless such Construction be repugnant to the Context. of a Parish in Schedule (A.)

Sewers (except Main Sewers) vested in Vestries and District Boards.

LXVIII. Upon the Commencement of this Act, all Sewers vested in the Metropolitan Commissioners of Sewers which are situate in any Parish mentioned in Schedule (A.) to this Act (except such Sewers as are mentioned in Schedule (D.) to this Act), with the Walls, Defences, Banks, Outlets, Sluices, Flaps, Penstocks, Gullies, Grates, Works, and Things thereunto appertaining, and the Materials thereof, with all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Vestry of such Parish; and all Sewers vested in the said Metropolitan Commissioners which are situate within any District mentioned in Schedule (B.) to this Act, except as before excepted, with all such Works and Things as aforesaid appertaining thereto, and all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Board of Works for such District; and all Sewers made and to be made within any such Parish or District, except Sewers and Works vested or to be vested in the Metropolitan Board of Works, as herein-after mentioned, shall be vested in such Vestry and Board respectively.

Vestries and District Boards to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

LXIX. The Vestry of every Parish mentioned in Schedule (A.) to this Act, and the Board of Works for every District mentioned in Schedule (B.) to this Act, shall (subject to the Powers by this Act vested in the Metropolitan Board of Works) from Time to Time repair and maintain the Sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made, repaired, and maintained such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining their Parish or District, and shall cause all Banks, Wharves, Docks, or Defences abutting on or adjoining any River, Stream, Canal, Pond, or Watercourse in such Parish or District to be raised, strengthened, or altered or repaired, where it may be necessary so to do, for effectually draining, or protecting from Floods or Inundation such Parish or District; and it shall be lawful for any such Vestry or District Board to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and into, through, or under any Lands whatsoever, making Compensation for

any Damage done thereby as herein-after provided; and it shall be lawful for any such Vestry or District Board from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that no new Sewer shall be made without the previous Approval of the Metropolitan Board of Works: Provided also, that the Discontinuance, Closing up, Destruction, or Alteration of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any covered Sewer, it shall be the Duty of the Vestry or District Board to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Vestry or District Board alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract or otherwise alter the private Drains communicating with the Sewer so altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

Power to Vestries and District Boards to do Works of Improvement in Sewers, &c., the Expense of which to be divided between the Party liable and the Parish or District.

LXX. Wherever any Party is, by Prescription, by reason of Tenure, or otherwise, liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works in any such Parish or District which the Vestry or District Board judge it necessary to alter or improve, it shall be lawful for them to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the Parish, District, or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the Parish, District, or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing in this Act contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

LXXI. Every

LXXI. Every District Board and Vestry shall, by providing proper Traps or other Coverings, or by Ventilation, or by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within their District or Parish. Gullyholes, &c. to be trapped.

LXXII. Every Vestry and District Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary. Vestries and District Boards to cause Sewers, &c. to be cleansed, and prevent them from being a Nuisance.

LXXIII. If any House or Building, whether built before or after the Commencement of this Act, situate within any such Parish or District, be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Vestry or Board of such Parish or District, and if a Sewer of sufficient Size be within One hundred Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Vestry or Board, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as may be appointed by the Vestry or Board, to construct and make from such House or Building into any such Sewer a covered Drain, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building, and also, if practicable, of its Areas, Waterclosets, Privies, and Offices, (if any,) and to carry and to convey the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide a fit and proper Trap affixed to the Mouth of such Drain, to the Satisfaction of the Vestry or Board; and if the Owner of such House or Building neglect or refuse, during Twenty-eight Days after the said Notice has been delivered to such Owner, or left at such House or Building, to begin to construct such Drain, or thereafter fail to carry it on and complete it, with all reasonable Despatch, it shall be lawful for the Vestry or Board to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Owner in the Manner herein-after provided. Vestry or District Board in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer. Penalty on Owner, &c. for Neglect.

LXXIV. It shall not be lawful to erect any House or other Building in any Parish mentioned in Schedule (A.) to this Act, or in any District mentioned in Schedule (B.) to this Act, or to rebuild any House or Building No House to be built without Drains constructed to

the Satisfaction of the Vestry or District Board.

Building within any such Parish or District which has been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House or Building so newly built or rebuilt, unless a Drain be constructed to the Satisfaction of the Vestry of such Parish or Board of Works for such District, of such Materials, of such Size, at such Level, and with such Fall as they may direct, so that the same shall be available for the Drainage of the lowest Floor of such House or Building, and also of its Areas, Waterclosets, Privies, and Offices (if any), which Drain shall lead from the House or Building, or intended Site of such House or Building, to such Sewer, already made or intended to be constructed near thereto, as the Vestry or Board shall direct and appoint, or if there be no such Sewer existing or intended to be constructed within One hundred Feet of any Part of the intended Site of such House or Building, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Vestry or Board shall direct; and whenever any House or Building is rebuilt as aforesaid, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain as is herein-before required, and for that Purpose the Levels shall be taken and determined under the Direction of the Vestry or District Board.

Notice of Buildings to be given to the Vestry or District Board before commencing the same.

LXXV. Before beginning to lay or dig out the Foundation of any new House or Building within any such Parish or District, or to rebuild any House or Building therein, and also before making any Drain for the Purpose of draining directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of or for any such Parish or District, Seven Days Notice in Writing shall be given to the Vestry or Board, by the Person intending to build or rebuild such House or Building or to make such Drain; and every such Foundation shall be laid at such Level as will permit the Drainage of such House or Building in compliance with this Act, and as the Vestry or Board shall order, and every such Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, as the Vestry or Board shall order, and the making of every such Drain shall be under the Survey and Control of the Vestry or Board; and the Vestry or District Board shall make their Order in relation to the Matters aforesaid, and cause the same to be notified to the Person from whom such Notice was received within Seven Days after the Receipt of such Notice, and in default of such Notice, or if such House, Building, or Drain be begun or erected or made in any respect contrary to any Order of the Vestry or Board made and notified as aforesaid, or the Provisions of this Act, it shall be lawful for the Vestry or Board to cause such House or Building to be demolished or altered, and

and to cause such Drain to be relaid, amended, or re-made, as the Case may require, and to recover the Expenses thereof from the Owner thereof in the Manner herein-after provided.

Private Drains may be branched into Sewers constructed by Metropolitan Board, or any Vestry or District Board under certain Regulations.

LXXVI. It shall be lawful for any Person, at his own Expense, to make or branch any Drain into any of the Sewers vested in the Metropolitan Board of Works or any Vestry or District Board under this Act, or authorized to be made by them under this Act, of such a Size and in such a Manner and Form of Communication in all respects as the Vestry or Board shall direct or appoint; and in case any Person make or branch any Drain into any of the said Sewers so vested in the Vestry or Board, or authorized to be made by them under this Act, of a larger Size or in a different Manner and Form of Communication than shall be directed or appointed by the Vestry or Board, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds.

Power to Metropolitan Board or Vestry or District Board to branch private Drains into Sewers, at the Expense of the Party to whom they shall belong.

LXXVII. Whenever it is necessary to open any Part of the Pavement or any Street or public Place, for the Purpose of making or branching any private Drain into any of the Sewers or Drains vested in the Metropolitan Board of Works, or any Vestry or District Board under this Act, or authorized to be made by them under this Act, it shall be lawful for the Vestry or Board, in case they think fit so to do, to make so much and such Part of such private Drain, and also to construct so much and such Part of the Work necessary for branching the same into the public Sewers as shall be under or in any Street, and to recover the Expenses incurred thereby from the Owner of the House, Building, or Ground to which such private Drain belongs, in the Manner herein-after provided.

Vestry or District Board may agree to make House Drains at the Expense of Owners or Occupiers.

LXXVIII. It shall be lawful for any such Vestry or Board to contract and agree with the Owners or Occupiers of any Houses, Buildings, or Ground that any Drains required to be made, altered, or enlarged by such Owners shall be constructed, made, altered, and enlarged by the Vestry or Board; and the Cost Price of making, altering, or enlarging such Drains, as certified by the Surveyor of the Vestry or Board, shall be repaid by the Owner or Occupier so agreeing to the Vestry or Board, and in default of Payment the same may be recovered in the Manner herein-after provided.

Penalty on erecting Houses without proper Water-closets, &c.

LXXIX. After the Commencement of this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, within any Parish mentioned in Schedule (A.) to this Act, or any District mentioned in Schedule (B.) to this Act, without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings; and whosoever shall offend against this

Enactment shall be liable to a Penalty not exceeding Twenty Pounds;

All Houses to have proper Watercloset, &c.

and if at any Time it appear to the Vestry or District Board of such Parish or District that any House in any such Parish or District, whether built before or after the Commencement of this Act, is without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, the Vestry or District Board shall, in case the same can be provided without disturbing any Building, give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Watercloset or Privy and Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Vestry or District Board to cause to be constructed a sufficient Watercloset or Privy and Ashpit, or either of them, or do such other Works as the Case may require; and to recover the Expenses incurred by them in so doing from the Owner of such House in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Vestry or District Board a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools.

LXXX. It shall be lawful for any such Vestry or Board, or for their Surveyor or Inspector, or such other Person as they appoint, to inspect any Drain, Watercloset, Privy, or Cesspool within the Parish or District of such Vestry or Board, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing has been given to the Occupier of the Premises to which such Drain, Watercloset, Privy, or Cesspool is attached, or left upon the Premises, or in case of Emergency without Notice, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Premises, and cause the Ground to be opened in any Place they think fit, doing as little Damage as may be.

Penalty on Persons improperly making or altering Drains.

LXXXI. In case any Drain, Watercloset, Privy, or Cesspool be found, on Inspection, not to have been made according to the Directions or Regulations of the Vestry or District Board, or contrary to the Provisions of this Act, or in case any Person without the Consent of the Vestry or District Board construct, rebuild, or unstop any Sewer, Drain, Watercloset, Privy, or Cesspool which may have been ordered by them not to be made or to be demolished or stopped up, or in case any Person without the Consent of the Vestry or District Board break into any Sewer vested in such Vestry or Board, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds; and in case the Person so making any Sewer, Drain, Watercloset

closet, Privy, or Cesspool contrary to the Directions or Regulations of the Vestry or Board, or contrary to the Provisions of this Act, or without such Consent as aforesaid constructing, rebuilding, or unstopping any Sewer, Drain, Watercloset, Privy, or Cesspool which may have been ordered to be demolished or stopped up, or breaking into any such Sewer as aforesaid, do not within Fourteen Days after Notice in Writing by the Vestry or Board cause such Sewer, Drain, Watercloset, Privy, or Cesspool to be altered or reinstated in conformity with the Directions of the Vestry or Board, or, as the Case may be, to be demolished or stopped up, then and in every such Case the Vestry or Board may cause the Work to be done, and the Expenses thereof shall be paid by the Person who has so made such Sewer, Drain, Watercloset, Privy, or Cesspool contrary to the Directions or Regulations of the Vestry or Board, or of this Act, or without such Consent constructed, rebuilt, or unstopped any Sewer, Drain, Watercloset, Privy, or Cesspool which they may have ordered to be demolished, or stopped up, or who without such Consent has broken into such Sewer as aforesaid.

Where no Default found Expenses to be paid by Vestry or Board.

LXXXII. If such Drain, Watercloset, Privy, or Cesspool be found on Inspection as aforesaid to be made to the Satisfaction of the Vestry or Board, and in proper Order and Condition, they shall cause the same to be closed and made good as soon as may be, and the Expenses of opening, closing, and making good such Drain, Watercloset, Privy, or Cesspool shall be defrayed by the Vestry or Board, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the opening of any such Drain, Watercloset, Privy, or Cesspool

Clause G g. Vestry or District Board to cause Drains, &c. to be put into proper Condition, &c. where necessary.

LXXXIII. If, upon such Inspection as aforesaid, any Drain, Watercloset, Privy, or Cesspool appear to be in bad Order and Condition, or to require cleansing, Alteration, or Amendment, or to be filled up, the Vestry or Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Inspection was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Vestry or Board may, if they think fit, execute such Works, and the Expenses incurred by them in so doing shall be paid to them by the Owner or Occupier of the Premises.

Vestry and Board to cause offensive Ditches, Drains, &c. to be cleansed or covered.

LXXXIV. Every Vestry and District Board shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing

Thing of an offensive Nature, or likely to be prejudicial to Health, which may be situate in their Parish or District; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Filth, Water, Matter, or Thing, or to do such other Works as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Vestry or Board shall execute such Works as may be necessary for the Abatement of such Nuisance, and may recover the Expenses thereby incurred from the Owner of the Premises in manner herein-after mentioned: Provided always, that it shall be lawful for such Vestry or Board, where they think it reasonable, to defray all or any Portion of such Expenses, as Expenses of Sewerage are to be defrayed under this Act: Provided also, that where any Work by any Vestry or District Board done or required to be done in pursuance of the Provisions of this Act interferes with or prejudicially affects any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby, in manner herein-after provided, or it shall be lawful for the Vestry or Board, if they think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Vestry or Board herein-after authorized shall be applicable to every such Purchase as aforesaid.

Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased.

Power to Vestries and Boards to fill up Ditches by the Side of Roads, and substitute Pipes.

LXXXV. It shall be lawful for any Vestry or District Board, where they think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe or other Drains alongside or across such Roads and Ways, with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Vestry or Board so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

Power to Vestries and Boards to provide public Conveniences.

LXXXVI. It shall be lawful for every Vestry and District Board to provide and maintain Urinals, Waterclosets, Privies, and like Conveniences, in Situations where they deem such Accommodation to be required,

required, and to supply the same with Water, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, as Expenses of Sewerage are to be defrayed under this Act.

CLAUSE Hh. Vestries and District Boards may transfer their Powers as to Sewerage to the Metropolitan Board of Works.

LXXXVII. If any Vestry or District Board desire to transfer to the Metropolitan Board of Works the Powers and Duties vested in such Vestry or District Board in relation to Sewerage and Drainage, and a Resolution for so transferring such Powers and Duties be passed by a Majority at a Meeting of such Vestry or District Board, specially convened for the Purpose of considering the Question of such Transfer, of which not less than Fourteen Days Notice shall have been given, and at which there shall be present not less than Two Thirds of the whole Number of such Vestry or Board, then such Powers and Duties, and all Sewers and Property vested in such Vestry or Board under this Act, for the Purposes of or in connexion with such Powers and Duties, shall, at the Expiration of One Month after Notice from such Vestry or Board shall have been given under their Seal to the said Metropolitan Board of such Resolution having been passed as aforesaid, become vested in the said Metropolitan Board, and the Provisions of this Act for defraying Expenses incurred by such Board in the Execution of this Act shall extend to Expenses incurred by them in the Execution of the Powers and Duties so transferred to by them.

CLAUSE Ii. Vestries under this Act to have the Powers of former Vestries.

LXXXVIII. Every Vestry under this Act shall exercise the Powers and Privileges held by any Vestry now existing in the Parish, save as in this Act otherwise provided; and the Authority of such Vestry may be pleaded before any Justice or Justices of the Peace, or in any Court of Law, in regard to all parochial Property, or Moneys due, or Holdings or Contracts, or other Documents of the like Nature, formerly under the Control or in the Keeping of the Vestry of the Parish; and all Parish Officers or Boards shall account to them in like Manner as they are by Law liable to account to the said Vestry.

CLAUSE Kk. All Powers relating to paving, &c. to be vested in Vestries and in District Boards.

LXXXIX. All the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A) to this Act, or any Part of such Parish, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or public Concerns of any such Parish or Part, or of the Inhabitants thereof (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto) now vested under any Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, or in any Officer of any Commissioners or other Body, shall cease to

be so vested and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Vestry of such Parish under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to this Act, or any Part of such Parish, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or public Concerns of any such Parish, or Part, or of the Inhabitants thereof (except such Duties, Powers, and Authorities as relate to the Affairs of the Church or the Management or Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto), now vested under any Act of Parliament in any Commissioners, Vestry, or other Body, or in any Officer of any Commissioners or other Body, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Board of Works for such District; and the Provisions of every such Act of Parliament as aforesaid shall be applicable to the Vestry of every Parish mentioned in the said Schedule (A.) and to every such District Board accordingly, and the Offices of all Commissioners and Persons whose Powers are determined by this Act shall cease and be determined, and there shall be no new Appointment or Election to any such Office.

CLAUSE L l. Expenses incurred under existing Powers relating to paving, &c. to be deemed Expenses incurred in execution of this Act.

XC. Provided always, that all Expenses of paving, lighting, watering, cleansing, or improving any Parish or any Part of any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, and all other Expenses in relation to the Regulation, Government, or public Concerns of any such Parish, or Part, or of the Inhabitants thereof, except only Expenses incurred in relation to the Affairs of the Church, or for the Management or Relief of the Poor, and other Expenses by Law payable out of any Poor Rate which are not herein provided for, shall be deemed Expenses incurred in the execution of this Act, and shall be defrayed accordingly.

Transfer of Property.

XCI. All Property, Matters, and Things whatsoever vested in such Commissioners or other Body, or in any such Officer as aforesaid, under any such Act, in connexion with any such Duties or Powers as aforesaid, hereby transferred to the Vestry of any Parish or the Board of Works for any District, shall upon the Commencement of this Act be vested in such Vestry or Board; and where any such Property, Matters, or Things are vested in any such Commissioners or Body, or Officer, acting for Parts extending beyond such Parish or District, the Metropolitan Board of Works shall by their Order declare in what Vestry or District Board they shall be vested, and may, if they see fit, apportion the same between the Vestries and District Boards within whose respective Districts and Parishes such Parts may be situate, and the same shall be vested accordingly; and any

any Money in the Possession of any such Commissioners or other Body, or any such Officer, which becomes vested in any such Vestry or Board under this Enactment, and the Income of any other such Property, until sold or disposed of, shall be applicable as nearly as may be for the like Purposes as if this Act had not been passed.

Existing Contracts, &c. to remain valid.

XCII. Provided always, That all Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of or by such Commissioners or Body, or any Person in their Behalf, or any such Officer as aforesaid, before the Commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against such Commissioners or Body shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all Monies coming to such Commissioners or Body under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, and which would have been applicable by them, if this Act had not been passed, for the Purposes of any of the Duties or Powers hereby transferred to any Vestry or District Board, shall be paid over to such Vestry or Board, or as they may direct, and be applied for the like Purposes; and all Monies and Liabilities which such Commissioners or Body, or Officer, would have been liable to pay or discharge, under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates to be levied under any such Powers as aforesaid, if this Act had not been passed, shall be paid out of Rates to be levied by such Vestry or Board as herein-after provided.

Powers and Duties of Surveyors of Highways, and Property vested in them, transferred to Vestries and District Boards.

XCIII. Every Vestry and District Board shall, within their Parish or District (exclusively of any other Persons whatsoever), execute the Office of and be Surveyor of Highways, and have all such Powers, Authorities, and Duties, and be subject to all such Liabilities, as any Surveyor of Highways in England is now or may hereafter be invested with or liable to by virtue of his Office under the Laws for the Time being in force, so far as such Powers, Authorities, Duties, and Liabilities are not inconsistent with this Act; but all Expenses which under any such Law ought to be defrayed by Highway Rates shall be defrayed by means of the Rates to be raised under this Act, and all Monies which would be applicable in aid of such Highway Rates shall be applied in aid of the said Rates to be raised under this Act, and no such Vestry or Board shall be subject to any Provisions concerning the Accounts of Surveyors of Highways, or requiring any Returns to be made to any special Sessions; and all Streets being

Highways, and the Pavements, Stones, and other Materials thereof, and all other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, or by any Vestry or District Board under this Act, shall vest in and be under the Management and Control of the Vestry or District Board of the Parish or District in which such Highways are situate.

Saving of Rates already made.

XCIV. Provided always, That all Rates made previously to the Commencement of this Act for defraying the Expenses of executing any Duties, Powers, and Authorities hereby transferred to any Vestry or District Board, and all Highway Rates made previously to such Commencement, or so much of such respective Rates as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and, subject to the Payment or Retainer thereout of any Sum or Expenses lawfully payable out of such respective Rates, shall, where such Rates are levied in a Parish mentioned in Schedule (A.) to this Act, be accounted for and paid over to the Vestry of such Parish, and shall, where levied in any other Parish, be accounted for and paid over to the Board of Works for the District in which such Parish is comprised, and shall in every Case be applied in aid of the Rates to be raised for the like Purposes under this Act, in the particular Parish or Part in which the said Rates so made previously to the Commencement of this Act are levied.

Vestry or District Board to pave Streets.

XCV. It shall be lawful for every Vestry and District Board from Time to Time to cause all or any of the Streets within their Parish or District, or any Part thereof respectively, to be paved or repaired, when and as often and in such Form and Manner and with such Materials as such Vestry or Board think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they think proper, and to alter the Position of any Mains or Pipes in or under such Street, such Alteration to be made subject to the Approval of the Engineer of the Company to which such Mains or Pipes belong.

Owners possessing Freehold of Courts, &c. to pave the same.

XCVI. Provided always, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, is vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner, if deemed expedient or necessary by the Vestry or District Board.

XCVII. The

Owner of Courts to drain them, and keep the Pavement, &c. in repair.

XCVII. The Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, if required by the Vestry or District Board of the Parish or District in which the same is situate, to the Satisfaction of such Vestry or District Board sufficiently pave, cover the Surface of, or repair the same, and lay, at a proper Level, through, over, under, or along such Part thereof as such Vestry or Board may require, a Drain, Channel, or Gutter, and keep such Pavement or Covering, and Drain, Channel, or Gutter, in good Repair, to the Satisfaction of such Vestry or Board; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, do not sufficiently pave or cover the same as aforesaid, or do not lay down therein such Drain, Channel, or Gutter, or do not repair the same respectively, to the Satisfaction of such Vestry or Board, within Fourteen Days after Notice in Writing requiring him so to do has been given to him by such Vestry or Board, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Owners for Neglect.

Vaults and Cellars under Streets not to be made without the Consent of the Vestry or Board.

XCVIII. No Vault, Arch, or Cellar shall be made under any Street without the Consent of the Vestry or District Board of the Parish or District in which the same is situate; and all such Vaults, Arches, and Cellars hereafter to be made within any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act shall be substantially made, and so as not to interfere or communicate with any Drain or Sewer under the Control of any Vestry or District Board, or of the Metropolitan Board of Works, without their Consents respectively first obtained; and if any Vault, Arch, or Cellar be made contrary to this Provision, it shall be lawful for the Vestry or District Board, or for the Metropolitan Board of Works, to fill up or alter the same, and the Expenses incurred thereby shall be paid by the Owner of such Vault, Arch, or Cellar.

Vaults, &c. under Streets to be repaired by Owners or Occupiers.

XCIX. All Vaults, Arches, and Cellars made either before or after the Commencement of this Act under any Street in any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act, and all Openings into the same in any such Street, shall be repaired and kept in proper Order by the Owners or Occupiers of the Houses or Buildings to which the same respectively belong; and in case any such Vault, Arch, or Cellar be at any Time out of Repair, it shall be lawful for the Vestry or District Board of such Parish or District to cause the same to be repaired and put into good Order, and to recover the Expenses thereof from such Owner in the Manner herein-after provided.

CLAUSE L 1*a*. Occupation as separate Dwellings of underground Rooms unfit for Habitation prohibited.

C. Any Room of a House the Surface of the Floor of which Room is more than Three Feet below the Surface of the Footway of the adjoining Street, and any Cellar, where such Room or Cellar is or has been occupied separately as a Dwelling at or before the Time of the passing of this Act, may continue to be so let or occupied if it possess the following Requisites; that is to say,

If there be an Area not less than Three Feet wide on every Part from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the Front, Back, or external Side thereof, and extending the full Length of such Side;

If such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, be in front of the Window of such Room or Cellar, and be open or covered only with open Iron Gratings;

If there be in every such Room or Cellar an open Fireplace, with proper Flue therefrom;

If there be a Window Opening of at least Nine Superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half Superficial Feet must be made to open for Ventilation:

And no such Room nor any Cellar not so let or occupied as aforesaid at or before the Time of the passing of this Act shall be so let or occupied unless it possess the following Requisites; that is to say,

Unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof;

Unless the same be at least One Foot of its Height above the Surface of the Footway of the Street adjoining or nearest to the same;

Unless there be outside of and adjoining the same Room or Cellar, and extending along the entire Frontage thereof and upwards, from Six Inches below the Level of the Floor thereof up to the Surface of the said Footway, an open Area at least Three Feet wide in every Part;

Unless the same be effectually drained and secured against the Rise of Effluvia from any Sewer or Drain;

Unless there be appurtenant to such Room or Cellar the Use of a Watercloset or Privy and an Ashpit furnished with proper Doors and Coverings kept and provided according to the Provisions of this Act;

Unless the same have a Fireplace with a proper Chimney or Flue;

Unless

Unless the same have an external glazed Window of at least Nine Superficial Feet in Area clear of the Frame, and made to open in such Manner as is approved by the Surveyor of the Metropolitan Board of Works;

Provided always, that in any Area adjoining a Room or Cellar there may be placed Steps necessary for Access to such Room or Cellar, and over or across any such Area there may be Steps necessary for Access to any Building above the Room or Cellar to which such Area adjoins, if the Steps in such respective Cases be so placed as not to be over or across any such external Window:

And whomsoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any Room or Cellar contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied; and every Room or Cellar in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; and every District Surveyor acting under the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Eighty-four, or under any Act repealing or amending the same, shall without any Fee or Reward enforce the Observance of this Enactment, and proceed for the Recovery of Penalties thereunder, and report periodically, and otherwise, as the said Metropolitan Board may order, to such Board all Cases in which Rooms or Cellars are occupied contrary to this Enactment in the District of such Surveyor, and also to the respective Vestries and District Boards all such Cases occurring within such Parts of his District as may be within their respective Parishes and Districts, together with the Particulars of the Cases in which Proceedings may have been taken for Penalties, and the Result of such Proceedings; but nothing herein contained shall be construed to disable other Persons from enforcing this Enactment, and taking Proceedings for Penalties thereunder.

Provisions for paving new Streets.

CI. In case the Owners of the Houses forming the greater Part of any new Street laid out or made or hereafter to be laid out or made, which is not paved to the Satisfaction of the Vestry or District Board of the Parish or District in which such Street is situate, be desirous of having the same paved, as herein-after mentioned, or if such Vestry or Board deem it necessary or expedient that the same should be so paved, then and in either of such Cases such Vestry or Board shall well and sufficiently pave the same, either throughout the whole Breadth of the Carriageway and Footpaths thereof, or any Part of such Breadth, and from Time to Time keep such Pavement in good and sufficient Repair; and the Owners of the Houses forming such Street shall, on Demand, pay to such Vestry or

Board the Amount of the estimated Expenses of providing and laying such Pavement (such Amount to be determined by the Surveyor for the Time being of the Vestry or Board); and in case such estimated Expenses exceed the actual Expenses of such paving, then the Difference between such estimated Expenses and such actual Expenses shall be repaid by the said Vestry or Board to the Owners of Houses by whom the said Sum of Money has been paid; and in case the said estimated Expenses be less than the actual Expenses of such paving, then the Owners of the said Houses shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with the Sum already paid, amounts to such actual Expenses.

Vestry or Board may declare any Street not being a Highway to be such.

CII. The Vestry or District Board of any Parish or District may, if they think fit, by Notice in Writing put up in any Part of any Street in their Parish or District, not being a Highway, declare the same to be a Highway, for the Purpose of repairing the same under this Act, and thereupon the same shall become a Highway for those Purposes only, and be from Time to Time repaired by them under the Authority of this Act: Provided always, that no Street shall become a Highway as last aforesaid unless such Notice in Writing be also given to the Proprietor of such Street, or if within One Month after Notice in Writing has been put up or given as last aforesaid the Proprietor of such Street, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the Vestry or Board object thereto.

Proviso.

Clause Mm. Act not to authorize the making any Thoroughfare without the Consent of the Proprietor of the Estate.

CIII. Nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Proprietor of the Estate or Property upon which such Bar, Gate, Rail, or other Fence, Square, Street, or Way shall be situate.

Vestries and District Boards may place Fences &c. to Footways.

CIV. It shall be lawful for every Vestry and District Board from Time to Time to place any Posts, Fences, and Rails on the Sides of any Footways or Carriageways in their Parish or District, for the Purposes of Safety, and to prevent any Carriage or Cattle from going on the same, and also to place any Posts or other Erections in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair and renew any such Posts, Rails, or Fences, or to remove the same, or any other Obstruction or Encroachment on any Carriageway or Footway.

CV. No

CLAUSE No. Notice to be given by Companies to Vestries and District Boards when Pavement, &c. is required to be taken up.

CV. No Company or Person shall break up or open the Pavement, Surface, or Soil of any Street, the Paving whereof is under the Control and Management of the Vestry or District Board of any Parish or District, for the Purpose of making and laying down any Main of Pipes or for any other Purpose whatsoever, except in Cases of Emergency arising from Defects in Pipes or other Works, without having previously given Three clear Days Notice in Writing to such Vestry or District Board, stating in such Notice the Name of the Street and the particular Part thereof in which such Pavement, Surface, or Soil is intended to be broken up or opened, the Day on which the Work is proposed to be commenced, and the Time within which it will be completed; and in any such Case of Emergency as aforesaid such Company or Person shall, within Twelve Hours after they or he begin to break up or open such Pavement, Surface, or Soil as aforesaid, give such Notice as aforesaid to the said Vestry or District Board; and no such Pavement, Soil, or Surface shall be broken up or opened for the Purpose of laying down any new Main of Pipes for the Conveyance of Water or Gas during any Part of the Months of December, January, and February; and no Gaslight Company shall break up or open any such Pavement, Surface, or Soil for the Purpose of laying down any new Mains or Pipes without the Consent in Writing of the said Vestry or District Board; and every Company or Person offending against this Enactment shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall within Twenty-four Hours after Notice in Writing from the Vestry or District Board cause such Pavement, Surface, or Soil to be reinstated and put into its former State.

Streets not to be broken up, except under the Superintendence of Vestry or Board.

Streets broken up to be reinstated without Delay.

CVI. Whenever it is necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened under the Superintendence of the Vestry or District Board of the Parish or District in which the same is situate, and in such Manner, and as regards Gas Companies at such Time, as they shall direct; and such Company or Person shall with all convenient Speed complete the Work on account of which the same is broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil is so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil is continued open or broken up.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents.

CVII. If any Company or Person authorized to break up or open any of the Pavement or Surface of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, do not with due Diligence cause the Ground to be filled in, and the Pavement to be reinstated, and the Surface to be made good, in a proper and substantial Manner, or do not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground is open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, and also a further Sum not exceeding Forty Shillings, for every Day during which such Offence continues; and no such Pavement shall be considered to have been reinstated in a proper and substantial Manner by any such Company or other Person unless the same have been reinstated with the same or similar Materials of the like Quality and Thickness and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as is satisfactory to the Vestry or Board.

Vestry or Board to direct Pavements injured by Water or Gas Pipes to be repaired by the Company to which they belong.

Penalty for Neglect.

CVIII. In case any Part of the Pavement of any Street be sunk, broken, injured, or damaged, by reason of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water, Gas, or other Company, it shall be lawful for the Vestry or District Board of the Parish or District in which such Pavement is situate, if they deem it expedient so to do, to cause Notice to be given to the Company to whom such Pipe is supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if the Company to whom such Notice is given do not, within Forty-eight Hours next after such Notice, take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Vestry or District Board, then such Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Company opening the Ground to repair a Pipe discovered to belong to another Company, to give Notice to such Com-

CIX. Provided always, That in case it be discovered, after any Pavement in any Street has been taken up by any Company, and the Ground opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended does not belong to the Company to whom such Notice has been given as aforesaid, but to some other Company, then such first-mentioned Company to whom such Notice has been so given as aforesaid shall

shall, within Forty-eight Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Company to whom such Pipe belongs, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice was given as aforesaid; and such other Company to whom such last-mentioned Notice is given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement has been first taken up, and who have opened the Ground, neglect to give the Notice hereby required to the Company to whom such Pipe actually belongs, such Company so neglecting shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

pany, and to be reimbursed Expenses.

CX. Provided also, That whenever the permanent Surface or Soil of any Street is broken up or opened, it shall be lawful for the Vestry or District Board of the Parish or District in which the same is situate, in case they think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil is broken up or opened; and the Expenses of filling in such Ground and of making good the Pavement or Soil so broken up or opened shall be repaid, on Demand, to the Vestry or Board by such Company or Person.

Power to Vestry or Board to reinstate Pavement, and charge the Expenses to the Parties.

CXI. It shall be lawful for the Vestry or District Board of any Parish or District to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within such Parish or District, for the filling in, paving, and restoring of such Parts of the said Streets as may be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Power for Vestry or Board to contract with Company for restoring Pavements.

Watering of Streets.

CXII. Every Vestry and District Board shall have full Power and Authority to cause all or any of the Streets in their Parish or District to be watered as often as they think fit, and also to cause any Wells to be dug and sunk in such public Places as they think proper, and also to erect and fix any Pumps in any public Places, for the gratuitous Supply of Water to the Inhabitants of the Parish or District.

Vestry or Board to cause Footways to be cleansed.

CXIII. Every Vestry and District Board shall cause any Footway within their Parish or District to be scraped, swept, or cleansed in such Manner and at such Times as they think fit; but this Enactment shall not relieve any Occupier of any House or Building or any Company whatsoever from any Liability to scrape, sweep, or cleanse, or cause to be scraped, swept, or cleansed, any Part of any such Footway, or from any Penalty for Neglect so to do.

Clause Oo. Vestries and District Boards may appoint Crossing Sweepers.

CXIV. It shall be lawful for every Vestry and District Board to appoint and pay, or for Two or more Vestries and District Boards to unite, when necessary, in appointing and paying, suitable Persons to cleanse and sweep, and to keep properly cleansed and swept daily, Crossings for Passengers over the Streets and public Thoroughfares within their respective Jurisdictions, and in such Situations as the said Vestries or District Boards may from Time to Time fix and determine, which Persons so appointed shall be distinguished by their Dress or some distinctive mark as Public Servants.

Owners, &c. to remove future Projections, on Notice from Vestry or Board.

CXV. If any Vestry or District Board consider any Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction placed or made against or in front of any House or Building after the Commencement of this Act, to be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street in their Parish or District, it shall be lawful for them to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same, in such Manner as the Vestry or Board think fit; and such Owner or Occupier shall within Fourteen Days after the Service of such Notice upon him remove such Projection or Obstruction, or alter the same in the Manner directed by the Vestry or Board; and if the Owner or Occupier of any

any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same, in the Manner directed by the Vestry or Board, he shall forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Projection or Obstruction continues after the Expiration of such Fourteen Days. Penalty for Neglect.

CXVI. It shall be lawful for every Vestry and District Board, if they consider any Projection or Obstruction which has been placed or made against or in front of any House or Building in any such Street before the Commencement of this Act to be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Vestry or Board shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Projection or Obstruction shall be, Seven Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal, excepting in Cases where the Obstruction or Projection may now be removeable under any Act, in which case no Compensation shall be made. Vestry or Board may remove existing Projections, and make Compensation for the same.

CXVII. Every Person who shall build or begin to build, or to take down or begin to take down, any House, Building, or Wall, or alter or repair, or begin to alter or repair, the outward Part of any House, Building, or Wall, shall, in all Cases in which the Footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient Hoard or Fence, with a convenient Platform and Handrail, if there be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Vestry or District Board of the Parish or District in which such House, Building, or Wall is situate, during such Time as may be necessary for the Public Safety or Convenience, and shall, in all Cases in which the same is necessary to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who fails to put up such Hoard or Fence and such Platform, with such Handrail as aforesaid, or who does not, whilst the said Hoard or Fence is standing, keep the same well lighted during the Night, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings, for every Day during the Continuance of such Default. Hoards to be erected during Repairs. Penalty on not erecting Hoards.

CXVIII. It shall not be lawful for any Person to erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or No Hoard to be erected without Li-

cence from Vestry or Board.

or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence in Writing first had and obtained from the Vestry or District Board of the Parish or District in which such Street is situate, under the Hand of their Clerk or Surveyor; and every such Licence shall state the Place where and the Purpose for which such Hoard or Fence, Scaffold or Inclosure, is to be set up or made, and the Size thereof, and the Time for which it is to be permitted to continue.

If Hoard be erected or Materials be deposited in any Manner otherwise than to the Satisfaction of the Vestry or Board, the same may be removed.

CXIX. If any Person erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence from the Vestry or District Board, or do any such Act as aforesaid in any other Manner than as permitted by such Licence, or continue the same beyond the Time stated in such Licence, or fail to keep any Hoard, Fence, Platform, or Handrail in good Repair, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Offence; and it shall be lawful for the Vestry or Board to cause such Hoard, Fence, Scaffold, or Inclosure to be pulled down, and the Materials thereof, and also all the Bricks, Mortar, Lime, or other Building Materials, or other Matters or Things contained within any such Inclosure, to be removed, and deposited in such Place as the Vestry or Board may think fit, and to be kept until the Charges of pulling down and removing the same be paid to the Vestry or Board; and in case the same be not claimed and the said Charges paid within the Space of Eight Days next after such Seizure thereof, it shall be lawful for the Vestry or Board to order the same to be sold, and by and out of the Proceeds of such Sale to pay such Charges, rendering any Surplus to the Owner or other Person by Law entitled thereto; and in case the Proceeds of such Sale be insuffieient to cover such Charges, and the Charges of selling and disposing of such Materials, Matters, and Things, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things to the Vestry or District Board, on Demand.

Vestries and District Boards to appoint Scavengers.

CXX. It shall be lawful for every Vestry and District Board and they are hereby required to appoint and employ a sufficient Number of Persons, or to contract with any Company or Persons, for the sweeping and cleansing of the several Streets within their Parish or District, and for collecting and removing all Dirt, Ashes, Rubbish, Ice, Snow, and Filth, and for the cleansing out and emptying of Privies

Privies and Cesspools, Sewers and Drains, in or under Houses and Places within their Parish or District; and such Company or Persons are herein-after referred to as Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Vestry or District Board shall from Time to Time appoint, sufficiently execute and perform all such Works and Duties as they respectively are employed or contract to execute or perform; and if any such Company or Person fail in any respect properly to execute and perform such Works and Duties such Company or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

Penalty for obstructing Scavengers in Performance of their Duty.

CXXI. Any Occupier of any House or Land or other Person who refuses or does not permit any Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with any Vestry or Board as aforesaid, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Refuse collected to be vested in Vestry or Board, who may dispose of the same towards defraying their Expenses.

CXXII. All Dirt, Dust, Nightsoil, Ashes, and Rubbish collected as aforesaid shall be the Property of such Vestry or Board, and such Vestry or Board shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own Use, and the Money arising from the Sale thereof shall be applied towards defraying the Expenses of the Execution of this Act, other than the Sewerage Expenses.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades.

CXXIII. In case any Scavenger be required by the Owner or Occupier of any House or Land to remove the Refuse of any Trade, Manufacture, or Business, or of any Building Materials, such Owner or Occupier shall pay to the Scavenger a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by Two Justices.

Dispute as to what is Refuse of Trade, &c. to be determined by Justices.

CXXIV. If any Dispute or Difference of Opinion arise between the Owner or Occupier of any such House or Land and the Scavengers required to remove such Refuse, as to what shall be considered as Refuse, it shall be lawful for any Two Justices, upon Application made to them by either of the Parties in difference, to determine whether the Subject Matter of Dispute is or is not Refuse of Trade, Manufacture, or Business, or of any Building Materials, and in every such Case the Decision of such Justices shall be final and conclusive.

Vestries and District Boards to cause Streets to be lighted.

CXXV. Every Vestry and District Board shall cause the several Streets within their Parish or District to be well and sufficiently lighted, and for that Purpose shall maintain, or set up and maintain, a sufficient

cient Number of Lamps in every such Street, and shall cause the same to be lighted with Gas or otherwise, and to continue lighted at and during such Times as such Vestry or Board may think fit, necessary, or proper; and all public Lamps, and the Lamp Posts and Lamp Irons and Fittings thereof, to be provided by any Vestry or District Board, shall vest in such Vestry or Board.

No Slaughter-house to be licensed under the 14th & 15th Vict. c. 61. without Notice to Vestry or District Board.

CXXVI. Before any Licence for the Use of any Place within any Parish mentioned in either of the Schedules (A.) and (B.) to this Act as a Slaughter-house is granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-one, (the Metropolitan Market Act, 1851,) One Month's previous Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

Vestries and District Boards to appoint Medical Officers of Health.

CXXVII. Every Vestry and District Board shall from Time to Time appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanitary Condition of their Parish or District, to ascertain the Existence of Diseases, more especially Epidemics increasing the Rate of Mortality, and to point out the Existence of any Nuisance or other local Causes which are likely to originate and maintain such Diseases, and injuriously affect the Health of the Inhabitants, and to take cognizance of the Fact of the Existence of any contagious or epidemic Diseases, and to point out the most efficacious Mode of checking or preventing the Spread of such Diseases, and also to point out the most efficient Modes for the Ventilation of Churches, Chapels, Schools, Lodging Houses, and other public Edifices within the Parish or District, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called "Medical Officers of Health;" and it shall be lawful for the Vestry or Board to pay to every such Officer such Salary as they think fit, and also to remove any such Officer at the Pleasure of such Vestry or Board.

Inspectors of Nuisances.

CXXVIII. Every Vestry and District Board shall nominate and appoint such Number of Persons to be Inspectors of Nuisances in their Parish or District as the Vestry or Board may think fit; and the Inspectors of Nuisances shall superintend and enforce the due Execution of all Duties to be performed by the Scavengers employed or contracted with under this Act, and report to the Vestry or District Board the Existence of any Nuisances; and the Vestry or Board shall require every such Inspector to provide and

and keep a Book in which shall be entered all Complaints made by any Inhabitant of the Parish or District of any Infringement of the Provisions of this Act, or of any Byelaws made thereunder, or of Nuisances; and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Vestry or Board at their next Meeting; and such Report, and the Order of the Vestry or Board thereon, shall be entered in a Book, which shall be kept at their Office, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Parish or District; and it shall be the Duty of such Inspector, subject to the Direction of the Vestry or Board, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act or any such Byelaws.

Duties and Powers of Metropolitan Board of Works.

Main Sewers vested in the Metropolitan Board of Works, and Power to such Board to make Sewers.

CXXIX. The Sewers mentioned in Schedule (D.) to this Act, being the Main Sewers now vested in the Commissioners of Sewers of the City of London and in the Metropolitan Commissioners of Sewers respectively, with the Walls, Defences, Banks, Outlets, Sluices, Flaps, Penstocks, Gullies, Grates, Works, and Things thereunto belonging, and the Materials thereof, with all Rights of Way and Passage used and enjoyed by such Commissioners respectively over and to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall be vested in the Metropolitan Board of Works, and such Board shall make such Sewers and Works as they may think necessary for preventing all or any Part of the Sewage within the Metropolis from flowing or passing into the River Thames in or near the Metropolis, and shall cause such Sewers and Works to be completed on or before the Thirty-first Day of December One thousand eight hundred and sixty, and shall also make all such other Sewers and Works, and such Diversions or Alterations of any existing Sewers or Works vested in them under this Act, as they may from Time to Time think necessary for the effectual Sewerage and Drainage of the Metropolis, and shall discontinue, close up, or destroy such Sewers for the Time being vested in them under this Act as they may deem unnecessary, and such Board shall from Time to Time repair and maintain the Sewers so vested in them, or such of them as may not be discontinued, closed up, or destroyed as aforesaid; and for the Purposes aforesaid such Board shall have full Power and Authority to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, as well beyond as within the Limits of the Metropolis, or through or under any Cellar or Vault under the Carriageway or Pavement of any Street, and into, through, or under any Lands

whatsoever within or beyond the said Limits, making Compensation for any Damage done thereby as herein-after provided, and all Sewers and Works from Time to Time made by the said Board shall vest in them; and the said Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause the Sewage and Refuse from such Sewers to be sold or disposed of as they may see fit, but so as not to create a Nuisance, and the Money arising thereby shall be applied towards defraying the Expenses of such Board.

Before Works for intercepting the Sewage are commenced, Plans and Estimate to be submitted to Commissioners of Works.

CXXX. Before the Metropolitan Board of Works commence any Sewers and Works for preventing the Sewage from passing into the Thames as aforesaid, the Plan of the intended Sewers and Works for the Purpose aforesaid, together with an Estimate of the Cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of Her Majesty's Works and Public Buildings; and no such Plan shall be carried into effect until the same has been approved by such Commissioners.

Metropolitan Board may declare Sewers to be Main Sewers, and take under their Jurisdiction Sewerage Matters under Jurisdiction of Vestries and District Boards.

CXXXI. In case it appear to the Metropolitan Board of Works that any Sewers in the Metropolis not herein-before vested in such Board ought to be considered Main Sewers, and to be under their Management, it shall be lawful for such Board, by an Order under their Seal, to declare the same to be Main Sewers, and thereupon the same shall vest in and be under the Management of the said Board; and it shall also be lawful for the said Board by any such Order to take under their Jurisdiction and Authority any other Matters in relation to Sewerage and to Drainage with respect to which Jurisdiction or Authority is by this Act vested in any Vestry or District Board.

Metropolitan Board to make Orders for controlling Vestries and District Boards in Construction of Sewers, &c.

CXXXII. The Metropolitan Board of Works shall from Time to Time, in order to secure the efficient Maintenance of the main and general Sewerage of the Metropolis, make such General or Special Order as to them may seem proper for the Guidance, Direction, and Control of the Vestries of Parishes and District Boards in the Levels, Construction, Alteration, and Maintenance and cleansing of Sewers in their respective Parishes or Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Parishes and Districts and their Communications with the Main Sewers vested in the said Metropolitan Board, and generally for the Guidance, Direction, and Control of Vestries and District Boards in the Exercise of their Powers and Duties in relation to Sewerage; and all such Orders shall be binding upon such Vestries and Boards.

CXXXIII. The

Metropolitan Board may direct Appointments to be made for Two Parishes or Districts jointly.

CXXXIII. The Metropolitan Board of Works, where it appears to them expedient that any Officer or Set of Officers necessary for any of the Purposes of this Act should act for a larger Area than is comprised in One Parish or District, or for Parts of different Parishes or Districts, may, with the Consent of the Vestries or Boards of such Parishes or Districts, direct that such Vestries or Boards shall unite in the Appointment and Removal of such Officer or Set of Officers; and the said Metropolitan Board shall in such Case direct the Mode in which the respective Bodies or Committees thereof shall act together for the Purposes of every such Appointment and Removal, and the Proportions in which the Salary or Salaries of such Officer or Officers shall be borne and paid by every such Parish and District respectively.

Or may place a Street in different Parishes under the Management of One Vestry, or Part of a Parish under the Management of Vestry of adjoining Parish

CXXXIV. It shall be lawful for the Metropolitan Board of Works, where it appears to them that any Street or Line of Street, being in more than One Parish or District, should be placed under the exclusive Management of One Vestry or District Board for the Purposes of paving, lighting, watering, and cleansing, or any of them, or for the Purposes of Sewerage and Drainage, or for all the Purposes of this Act, to order that the same shall be under the Management of such Vestry or Board accordingly; and it shall also be lawful for the said Metropolitan Board, where it appears to them that any Part of any Parish or District is so detached or situate that it would be convenient that the same should be placed, for all or any of the Purposes of this Act, under the Management of the Vestry or District Board of any adjoining Parish or District, to order that such Part shall, for all or any of such Purposes, be under the Management of such Vestry or District Board.

CLAUSE P p. Metropolitan Board to regulate naming of Streets and numbering of Houses.

CXXXV. It shall be lawful for the Metropolitan Board of Works from Time to Time to cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, or Entrance of every Street in the Metropolis, the Name by which such Street is to be known, and from Time to Time to alter the Name of any such Street, and to call it by any other Name which to such Board may seem fit; and the Owners or Occupiers of Houses and Buildings in any such Street shall mark such Houses or Buildings with such Numbers or Names, for the Purpose of distinguishing the same, as the said Board may direct or approve, and shall renew the Numbers or Names of such Houses or Buildings as often as they are obliterated or defaced; and if any Occupier of any such House or Building neglect for One Week after Notice from the said Board to mark such House or Building with such Number or Name as the said Board may direct or approve, or to renew the Number or

Name thereof as aforesaid, he shall be liable to a Penalty of not exceeding Forty Shillings, and the said Board may cause such Number or Name to be so marked or renewed, and recover the Expense thereof from the Owner of such House or Building in manner hereinafter provided; and if any Person wilfully or maliciously destroy, pull down, obliterate, or deface any such Name or Number, or any Part thereof, or paint, affix, or set up any Name or Number different from the Name or Number directed by the Metropolitan Board of Works, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the said Board to cause such Name or Number so painted, affixed, or set up contrary to their Directions to be obliterated or destroyed.

Clause Pp*a*. Register to be kept of Alterations in Names of Street.

CXXXVI. The said Metropolitan Board shall keep a Register of all Alterations made by them in the Names of Streets, and such Register shall be kept in such Form as to show the Date of every such Alteration, and the Name of the Street previous to such Alteration as well as the new Name thereof.

Power to Metropolitan Board to make Improvements.

CXXXVII. The Metropolitan Board of Works shall have Power to make, widen, or improve any Streets, Roads, or Ways, for facilitating the Passage and Traffic between different Parts of the Metropolis, or to contribute and join with any Persons in any such Improvements as aforesaid, and to take, by Agreement or by Gift, any Land, Rights in Land, or Property, for the Purposes aforesaid (or otherwise) for the Improvement of the Metropolis, on such Terms and Conditions as they may think fit; and such Board, where it appears to them that further Powers are required for the Purpose of any Work for the Improvement of the Metropolis or public Benefit of the Inhabitants thereof, may make Applications to Parliament for that Purpose, and the Expenses of such Application may be defrayed as other Expenses of the said Board: Provided always, that before the Metropolitan Board of Works commence any such Works the estimated Expense whereof shall exceed Fifty thousand Pounds the Plan of such Works, together with an Estimate of the Cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of Her Majesty's Works and Public Buildings; and no such Plan shall be carried into effect until the same has been approved by such Commissioners; and no such Works shall be commenced in Cases where the estimated Expense thereof shall exceed the Sum of One hundred thousand Pounds without the previous Sanction of Parliament.

Determination of Metropolitan Commission of Sewers.

Powers of Metropolitan Commissioners of Sewers to cease.

CXXXVIII. From and after the Commencement of this Act, all Duties, Powers, and Authorities vested in the Metropolitan Commissioners

sioners of Sewers shall cease to be so vested; and in the meantime, and until such Commencement, the Metropolitan Commission of Sewers, and the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, and the Acts amending the same, shall continue in force.

Actions, &c. not to abate, but to continue for or against Metropolitan Board of Works.

CXXXIX. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on by or against the said Commissioners, shall abate or be discontinued or prejudicially affected by the Determination of the Powers of such Commissioners, but shall continue and take effect in favour of or against the Metropolitan Board of Works in the same Manner in all respects as the same would have continued and taken effect in relation to the said Commissioners if this Act had not been passed, and the Powers of the said Commissioners had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred, respectively, previously to the Commencement of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative Proceedings commenced previously to the Commencement of this Act shall and may be continued, proceeded with, and completed, the Metropolitan Board of Works being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said Commissioners.

Rates made by Metropolitan Commissioners of Sewers to be recoverable under this Act.

CXL. All Rates made by the said Commissioners previously to the Commencement of this Act, or so much thereof as may not have been levied and paid, shall be levied by and paid to the Metropolitan Board of Works, and such Board shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the said Commissioners; but all such Rates respectively shall, so far as Circumstances admit, be applied to the same Purposes as the same would have been applicable to in case the Powers of the said Commissioners had continued in force, and shall for the Purposes of such Application (where the Circumstances so require) be paid over by the Metropolitan Board of Works, or by their Order, to the Vestry or District Board having the Management of the Sewers in any Parish or District under this Act, or as such Vestry or Board may direct.

Property vested in Metropolitan Commissioners of Sewers (except Sewers transferred to Vestries and District Boards),

CXLI. All Property, Matters, and Things whatsoever vested in the Metropolitan Commissioners of Sewers, except such Sewers as are hereby vested in any Vestry or District Board, and except such Sewers as are not within the Limits of the Parishes and Places mentioned in the Schedules to this Act, shall be vested in the Metropolitan Board of Works; and all Persons who then owe any Money to the said Commissioners of Sewers, or to any Person on behalf of such Commissioners, shall

transferred to the Metropolitan Board of Works.

shall pay the same to the Metropolitan Board of Works, or as they may direct; and all Monies then due and owing by or recoverable from the said Commissioners shall be paid by or recoverable from the Metropolitan Board of Works; and all Contracts, Agreements, Bonds, Covenants, and Securities theretofore made or entered into with or in favour of or by the said Commissioners, and all Contracts, Agreements, Bonds, Covenants, and Securities made or entered with or in favor of or by any former or other Commissioners, which under the said Act of the Eleventh and Twelfth Years of Her Majesty were to take effect in favour of, against, and with reference to the said Metropolitan Commissioners of Sewers, and are now in force, shall take effect and may be proceeded on and enforced, as near as Circumstances admit, in favour of, by, against, and with reference to the Metropolitan Board of Works, as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Metropolitan Commissioners of Sewers if this Act had not been passed, and the Powers of such Commissioners had continued in full Force; and any Retiring Pension or Allowance granted under Section Twenty-seven of the said Act of the Eleventh and Twelfth Years of Her Majesty shall continue payable on the like Terms by the said Metropolitan Board of Works.

Auxiliary Powers common to the Metropolitan Board of Works and to Vestries and District Boards.

Power to Boards and Vestries to enter into Contracts for carrying Act into execution.

CXLII. The Metropolitan Board of Works, and every District Board and Vestry, may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount exceeds Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Board or Vestry; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Board or Vestry and their Successors, and upon all other Parties thereto: Provided always,

Power to compound for Penalties in respect of Breach of Contracts.

that it shall be lawful for any such Board or Vestry to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract or in any Bond or otherwise, for such Sum of Money or other Recompence as to the Board or Vestry may seem proper.

Power to Boards and Vestries to purchase Lands, &c. for the Purposes of this Act.

CXLIII. It shall be lawful for the Metropolitan Board of Works and every District Board and Vestry to purchase, or to take on Lease for such Term as they may think fit, any Land, or any Right or Easement in or over any Land which they may deem necessary or expedient

expedient for the Formation or Protection of any Works which they are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse, Materials, and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Milldam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase to prevent the Obstruction of Sewerage or Drainage; and also to purchase or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it appears to them necessary to acquire and use for the Purposes of cleansing Sewers and Drains and the other Purposes of this Act, or any Land which is deemed by them advisable to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid for gratuitous Purposes.

Incorporation of Lands Clauses Act.

CXLIV. For the Purpose of enabling the said Metropolitan Board, and every District Board and Vestry, to obtain any Land, or any Right or Easement in or over any Land, which they respectively may require for the Purposes of this Act, "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, subject to the Provisions herein contained, be incorporated with this Act; and the Provisions of the said Act so incorporated with this Act which would be applicable in the Case of a Purchase of any Land shall be applicable in the Case of the Purchase of a Right or Easement in or over any Land; and for the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the District Board or Vestry, acting under the Provisions of the said Act and this Act, as the Case may be.

Lands not to be taken compulsorily, except by Metropolitan Board with Consent of Secretary of State.

CXLV. Provided always, That the Provisions of the said Lands Clauses Consolidation Act "with respect to the Purchase and taking of Lands otherwise than by Agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take Land, or any Right or Easement in or over Land, for the Purpose of making any Sewers or Works for preventing

venting the Sewage or any Part of the Sewage within the Metropolis from passing into the Thames in or near the Metropolis, or otherwise for the Purpose of the Sewerage or Drainage of the Metropolis: Provided also, that no Land, or Right or Easement in or over Land, for the Purposes aforesaid, shall be taken compulsorily by the said Board, without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Previous Notice to be given.

CXLVI. The Metropolitan Board of Works, before applying for the Consent of the Secretary of State for taking Land, or any Right or Easement in or over Land, compulsorily, as aforesaid, shall publish, once at the least in each of Four consecutive Weeks, in One of the daily Newspapers published in the Metropolis, an Advertisement describing the Nature of the Works in respect of which the Land, Right or Easement, is proposed to be taken, naming a Place where a Plan of the proposed Works is open for Inspection at all reasonable Hours, and stating the Quantity of Land or the Particulars of the Right or Easement that they require for the Purpose of such Works, and shall serve a Notice on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, or of the Land in or over which such Right or Easement is intended to be taken, such Service to be made Four Weeks previously to the Application to such Secretary of State, and such Notice shall state the Particulars of the Land, Right, or Easement so required, and that the Metropolitan Board are willing to treat for the Purchase thereof, and as to the Compensation to be made for the Damage that may be sustained by reason of the proposed Works.

Power to dispose of Lands or Property not wanted.

CXLVII. The Metropolitan Board of Works, and any District Board or Vestry, may sell and dispose of any Land purchased by them under this Act, and any Property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such Sale of any Land into effect such Board may make and execute a Conveyance of the Land sold and disposed of as aforesaid unto the Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board or Vestry; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board or Vestry shall be a sufficient Discharge to the Purchaser of any such Land or any other such Property as aforesaid for the Purchase Money in such Receipt expressed to be received; and the Money arising from such Sale of any Land purchased under this Act, and (except as herein-after otherwise

otherwise provided) of any such Property, shall be applied in aid of the Rate out of which the Expenses of the Purchase of such Land or providing such Property have been or are authorized to be defrayed under this Act; and the Money arising from the Sale of any Property vested in any such Board or Vestry under this Act, and which, before becoming so vested, was vested in any Commissioners or other Body, or in any Officer of any Commissioners or other Body, or in any Surveyor of Highways, shall be applied in or towards the Discharge of any Debts or Liabilities for the Discharge whereof Rates are by this Act authorized to be raised in the Parish or Part, to the Commissioners or other Body for the Management of the paving, lighting, or cleansing whereof such Property may have belonged before the Commencement of this Act, and, subject as aforesaid, shall be applied in aid of such Rate to be raised under this Act in such Parish or Part as to the Board or Vestry disposing of such Property may seem just; and any such Board or Vestry may let any Land purchased by or vested in them under this Act, and which for the Time being is not required for the Purposes thereof, in such Manner and on such Terms as such Board or Vestry may see fit.

Penalty for withholding Property transferred to Metropolitan Board or any Vestry or District Board.

CXLVIII. In case any Person having the Charge, Control, or Possession of any Property, Matters, or Things vested in the Metropolitan Board of Works, or the Vestry of any Parish, or any District Board, by or under this Act, neglect or refuse to give up the same, on Demand, to such Board or Vestry, or such Person as they respectively may order, every Person so offending shall, upon being convicted thereof before any Two Justices of the Peace, for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding Five Pounds as the said Justices may think fit.

Clause Q q. Regulations as to breaking up Turnpike Roads.

CXLIX. The Metropolitan Board of Works, and any Vestry or District Board, may, where necessary for the Purpose of executing any Work authorized by this Act, open and break up any Turnpike Road, under and subject to the Restrictions and Provisions herein-after contained; that is to say, Seven Days previous Notice, with a full Description of any intended Works, shall be left at the Office of the Commissioners or Trustees of the Road; and, except by the Permission of the said Commissioners or Trustees, the Traffic of the Road shall not at One Time be stopped or hindered along more than Half of its Width, nor, if the Half left open be of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall be made in the Inclination of any Part of the Road of more than One Foot in Sixty Feet; and all Work shall be done under the Superintendence of the Surveyor of the said Commissioners

sioners or Trustees; and the Party doing the Works shall cause all Openings in the Road to be effectually secured and fenced, and affix and maintain Lights during the Night near to the Place where the Ground is open, so as to prevent Accidents; and the said Commissioners or Trustees are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works; and the Party doing the Works shall restore every Road so opened or broken up to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, shall pay to such Commissioners or Trustees, on Demand, such Sum as they shall require for such Purpose, not exceeding One Shilling for every Superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the Road; and in default the Surveyor of the said Commissioners or Trustees may cause the necessary Work to be done; and in all Cases of Expense incurred by any such Surveyor, on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Provisions for defraying Expenses of Vestries and District Boards.

How Sums to be raised by Vestries and District Boards for defraying Expenses.

CL. Every Vestry and District Board shall from Time to Time, by Order under their Seal, require the Overseers of their Parish, or of the several Parishes in their District, to levy, and to pay over to the Treasurer of such Vestry or Board, or into any Bank in such Order mentioned, and within the Time or Times thereby limited, the Sums which such Vestry or Board may require for defraying the Expenses of the Execution of this Act (and such Orders may be made wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred); and every such Vestry and Board shall distinguish in their Orders Sums required for defraying Expenses of constructing, altering, maintaining, and cleansing the Sewers or otherwise connected with Sewerage, and also, where the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, or any other Act by virtue whereof Land is rated in respect of Expenses of Lighting at a less Amount in proportion to the annual Value thereof than Houses, or is wholly exempted from being rated in respect of such Expenses, is in force in any Parish, or any Part of any Parish, at the Time of the passing of this Act, distinguish, as regards such Parish, or Part, the Sums required for defraying Expenses of lighting their Parish or District from Sums required for defraying other Expenses of executing this Act; but every such Vestry and Board may cause to be raised as Expenses connected with Sewerage such Portion of the Expenses incident to the Conduct of their Business in

in relation to Sewerage, in common with the Conduct of their other Business under this Act, as to such Vestry or Board may seem just; and the Overseers or Collectors, in the Receipts to be given for the Sums levied or collected by them, shall distinguish the Rate in the Pound required for Sewerage Expenses, and the Rate required for the other Expenses of this Act.

Vestries and Boards may exempt Parts not benefited by Expenditure, from Payment.

CLI. Where it appears to any Vestry or District Board that all or any Part of the Expenses for defraying which any Sum is by such Vestry or Board ordered to be levied as aforesaid have or has been incurred for the special Benefit of any particular Part of their Parish or District, or otherwise have or has not been incurred for the equal Benefit of the whole of their Parish or District, such Vestry or Board may, by any such Order, direct the Sum or Sums necessary for defraying such Expenses or any Part thereof to be levied in such Part, or exempt any Part of such Parish or District from the Levy, or require a less Rate to be levied thereon, as the Circumstances of the Case may require; and any such Board may refrain, where any entire Parish ought in their Judgment to be so exempt, from issuing an Order for levying any Money thereon, notwithstanding they may issue an Order or Orders for levying Sums upon any other Parish or Parishes in their District.

Provisions for Cases where a Part of a Parish is placed under the Management of the Vestry or Board of adjoining Parish or District.

CLII. Where Part of any Parish is placed for all or any of the Purposes of this Act under the Management of the Vestry or District Board of an adjoining Parish or District, the Sums which such Vestry Board may require for defraying the Expenses of executing this Act by such Vestry or Board in the Part so placed under their Management shall be from Time to Time paid, upon their Orders, by the Vestry of the Parish whereof such Part is so placed under the Management of such other Vestry or Board, or if such Parish is comprised in a District formed by this Act then by the District Board of such District; and such Sums shall be raised by the Vestry or Board upon whom such Orders are made in like Manner as if the Expenses in respect whereof the same are required had been incurred by them in executing this Act.

Overseers to collect the Rate in the same Manner as the Poor Rate.

CLIII. The Overseers of the Poor of every Parish to whom any such Order as aforesaid is issued shall levy the Amount mentioned therein according to the Exigency thereof, and shall for that Purpose make separate equal Pound Rates upon their Parish, or the Part thereof upon which any Sum specified in such Order is required to be levied, in respect of each Sum thereby ordered to be levied; that is to say, a separate Rate in respect of each Sum ordered to be levied for defraying Expenses connected with Sewerage, to be called a Sewers Rate; a separate Rate in respect of each Sum ordered to be levied for defraying

Expenses of lighting (where a separate Sum is ordered to be levied for defraying such Expenses), to be called a Lighting Rate; and a separate Rate in respect of each Sum ordered to be levied for defraying other Expenses of executing this Act, to be called a General Rate; and shall make such respective Rates of such Amount in the Pound on the annual Value of the Property rateable as will in their Judgment, having regard to all Circumstances, be sufficient to raise the Sums specified in such Order; and such Rates shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in the respective Parishes, and shall be assessed upon the net annual Value of such Property ascertained by the Rate for the Time being for the Relief of the Poor; and all the Rates to be made as aforesaid by virtue of this Act shall be entered in the same Book or Books as the Rate for the Relief of the Poor; and the said Overseers shall, for the Purpose of levying such Rates, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor; and all such Rates shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty and otherwise, as the Rate for the Relief of the Poor in the same Parish; and such Overseers shall pay to the Treasurer of the Vestry or Board, or otherwise, as in such Order directed, the Amount mentioned in the Order, within the Time or respective Times specified for that Purpose, and the Excess, if any, which may have been levied beyond such Amount, which Excess shall be placed to the Credit of the Parish or Part in which the same has been levied; and the said Overseers shall at the Time of making any such Payment deliver with the Money a Note in Writing signed by them, specifying the Amount so paid, which Note shall be kept as a Voucher for the Receipt of that particular Amount; and the Receipt of the Treasurer of the Vestry or Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is so paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount.

CLAUSE R r. Public Buildings and void Spaces now rateable (except Churches and Burial Grounds) to continue rateable.

CLIV. Provided always, That all such Hospitals, public Schools, and other public Buildings, dead Walls, and void Spaces of Ground as are now by Law rateable to any Rate for the Costs and Charges of paving or repairing the Pavements within any parochial or other District, either separately or jointly with any other Object or Objects, (except only Places of Religious Worship, and Burial Grounds, or Places which have been used for Burial Grounds, and are not used for any other Purpose,) shall be rateable under this Act to the like Extent, and for the like Objects or Purposes as they may now be rated, and the Rates to be made in respect of such Objects or Purposes shall be payable by the Persons now liable to pay the same, and be recoverable in

in like Manner, as any Rate to which such Buildings and Spaces of Ground are now rateable as aforesaid in respect of the like Objects or Purposes.

CLV. Provided also, That any Sewers Rate raised under this Act shall, as regards all Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Orchard, Market Garden, Hop, Herb, Flower, Fruit, or Nursery Ground, be assessed and levied in the Proportion of One Fourth Part only of the net annual Value of such Land.

CLAUSE S s. Land to be rated to the Sewers Rate at One Fourth Part of its Annual Value.

CLVI. Provided also, That where any Property was at the Time of the issuing of the First Commission under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, entitled to Exemption from or to any Reduction or Allowance in respect of the Sewers Rate, such Exemption, Reduction, or Allowance shall be observed and allowed in levying any Sewers Rate under this Act.

CLAUSE T t. Existing Exemptions in respect of Sewers Rate to be allowed.

CLVII. Provided also, That in every Parish, or Part of a Parish, in which at the Time of the passing of this Act the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, is in force, the Owners and Occupiers of Houses, Buildings, and Property other than Land shall be rated to every Lighting Rate made under this Act at a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated in such Lighting Rate; and in every Parish or Part of a Parish in which under any other Act Land is now rated in respect of Expenses of lighting at a less Amount in proportion to the annual Value thereof than Houses, or is now wholly exempted from being rated in respect of such Expenses, such Land shall continue to be rated to every Lighting Rate made under this Act at such less Amount, or, where such Land is now wholly exempted as aforesaid, shall be wholly exempted from such Rate.

CLAUSE U u. Existing Exemptions of Land from Lighting Rates to be allowed.

CLVIII. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Vestry or Board, or by any Person authorized by them for this Purpose, to issue his Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

Overseers, on Nonpayment of the Rate, shall be distrained upon;

and in default of sufficient Distress the Arrears may be levied on the Parish.

 CLIX. Where

Provision for Cases where the Vestry of any Parish in Schedule (A.) make the Poor Rate.

CLIX. Where the Vestry of any Parish mentioned in Schedule (A.) to this Act make the Rate for the Relief of the Poor in such Parish, such Vestry shall from Time to Time raise and levy the Sums required for defraying their Expenses of executing this Act in like Manner as Overseers are required to do with respect to the Sums for which Orders are made upon them by any Vestry under this Act, and shall, in raising such Sums, act upon the like Principles and have the like Discretion as any Vestry making Orders upon Overseers under this Act.

Clause X x. Special Persons may be appointed to levy Rates in certain Cases.

CLX. Any Vestry or District Board may, in case of any Default or Neglect of any Overseers to pay the Amount required by any such Order as aforesaid within the Time and in the Manner directed by such Order, and the said Metropolitan Board may, in case of any Default or Neglect of any Vestry or District Board to pay the Amount required by any Precept of the said Metropolitan Board within such Time and in such Manner as may be therein mentioned, appoint Persons to levy any Money required by such Vestry or Board for the Purposes of this Act in any Parish or District, and such Persons shall proceed in the same Manner, and have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties, with reference to the levying of such Money, as any Overseers would have had or been subject to with reference to levying any such Money in pursuance of an Order of the Vestry or District Board, or, where the same might be levied by the Vestry under this Act, as such Vestry would have had or been subject to with reference to levying the same.

Provision for Deduction by Tenants of Sewers Rate.

CLXI. As between Landlord and Tenant, every Tenant, whether his Tenancy have commenced before or after the passing of this Act, and who if this Act had not been passed would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like Manner be entitled to deduct against or to be repaid by his Landlord any Sewers Rate levied on him under this Act.

Provisions for defraying Expenses of Metropolitan Board.

Sums to be assessed upon the City and other Parts of the Metropolis by Metropolitan Board for defraying Expenses.

CLXII. The Metropolitan Board of Works shall from Time to Time ascertain and assess upon the City of London and the other Parts of the Metropolis the Sums which in their Judgment ought to be charged upon the said City and such other Parts respectively for defraying the Expenses of the said Board in the Execution of this Act, having regard to the annual Value of the Property in the several Parts of the Metropolis, and having regard, in the Case of Expenditure on Works of Drainage, to the Benefit derived from such Expenditure by the several Parts of the Metropolis affected thereby; and any such

Sum

Sum may be so assessed wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred; and for the Purposes of such Assessment the annual Value of the Property in such several Parts shall be estimated according to the Estimate or Basis on which the County Rate is assessed, or, where there is no such County Rate, according to a like Estimate.

CLAUSE Y y. Right of inspecting County Rates.

CLXIII. The Clerk of the said Metropolitan Board, or any Person authorized by the said Board in this Behalf, may from Time to Time inspect any Rate made or to be made for any County any Part of which is within the Metropolis; and any Basis or Standard for the County Rate of any such County, and any Returns concerning all or any of the Parishes and Places, whether parochial or extra-parochial, in the Metropolis, delivered or to be delivered in pursuance of any Act relating to County Rates, and any Rate made by the Commissioners of Sewers of the City of London, and any Valuation on which the same is made, and may take Copies or Extracts from any such Rates, Basis or Standard, Returns or Valuation, without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate, Basis or Standard, Return or Valuation, wilfully neglect or refuse to permit any such Clerk or Person authorized as aforesaid to inspect the same, or to take Copies or Extracts of or from the same, at all reasonable Times, he shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Payment to be obtained from the City and from Parishes by Precepts to the Chamberlain of the City, and to Vestries and District Boards.

CLXIV. For obtaining Payment of the Sums so assessed upon the City of London and the Parishes mentioned in Schedules (A.) and (B.) to this Act, the said Board shall issue Precepts under their Seal, requiring Payment thereof to their Treasurer, or into any Bank therein mentioned, within such Time as may be therein limited; and every such Precept for any Sum assessed upon the City of London shall be directed to the Chamberlain of the said City; and every such Precept for any Sum assessed upon any Parish mentioned in Schedule (A.) to this Act shall be directed to the Vestry thereof; and every such Precept for any Sum assessed upon any District mentioned in Schedule (B.) to this Act, or any Parish comprised therein, shall be directed to the Board of Works for such District; and where any such Sum is assessed upon any Part of any Parish or District, the said Metropolitan Board shall specify in their Precept the Part of such Parish or District upon which such Sum is assessed.

Payment of Sums assessed upon the City.

CLXV. The Chamberlain of the City of London shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the Metropolitan Board of Works, or otherwise as they may direct, the Sums required by their Precepts, within such Time as may be therein

mentioned; and all Payments so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of London are authorized to direct to be made under any Act relating to the Sewerage of the said City, for maintaining the Sewers therein; and such Commissioners shall have full Power to raise every such Sum by any such Rate which they may be authorized to direct to be made as aforesaid, or by any Addition thereto.

Payment by Vestries and District Boards of Sums assessed by Metropolitan Board.

CLXVI. All Sums which any Vestry or District Board may be required to pay by such Precepts as aforesaid shall be paid by such Vestry and Board respectively within such Time as may be therein mentioned, and shall be raised in like Manner as if the same were required by the said Vestry or Board for defraying the Expenses of such Vestry or Board in the Execution of their Powers and Duties under this Act in relation to the Sewerage of their Parish or District.

Provision for assessing and levying Rate in Places where there is no Poor Rate.

CLXVII. The Sums which may be assessed from Time to Time upon any Place mentioned in Schedule (C.) to this Act, or such Part thereof as may not be comprised within any Parish, or the City of London, shall be raised by means of a Rate to be made and levied as herein provided; that is to say, the said Metropolitan Board shall from Time to Time, by Warrant under their Seal, appoint a proper Person to be an Assessor, for the Purpose of assessing the full and fair annual Value of all Property in every such Place, or such Part thereof as aforesaid, which, if the same were not extra-parochial, would be liable to be rated to the Relief of the Poor, and rating the same to a Rate to be levied under this Act; and such Assessor shall, within Forty Days after the Delivery to him of the Warrant of his Appointment, make, sign, and return to the said Board an Assessment for the Place named in such Warrant; and the Assessment shall be fairly written in a Book, and shall specify, in different Columns, the Names of the respective Inhabitants or Occupiers of all Messuages, Lands, Tenements, and Hereditaments, the full and fair annual Value of the same, and the Amount of Rate charged on the Inhabitants or Occupiers thereof, and when the Premises are unoccupied, the full and fair annual Value thereof to let; and every such Assessor shall be allowed for his Trouble and Expenses such Remuneration as the said Board may think fit; and the same shall be paid out of the Amount of the Rate which shall be collected after such Assessment.

Mode of making the Assessment.

Allowance to Assessors.

Clause Z z. Places in Schedule (C.) not now under rating for Sewers

CLXVIII. Provided always, That the Places mentioned in Schedule (C.) to this Act which are not now under rating for Sewers shall not be liable to be rated under this Act, except for the Purpose of their

their contributing to the Expense of carrying into effect any Plan for preventing the Sewage of the Metropolis from flowing into the River Thames in or near the Metropolis, so far as such Places respectively shall be benefited. not to be rated except for intercepting Sewers.

CLXIX. When such Assessment has been allowed by the said Board, public Notice of such Assessment, and of the Place where the same may be inspected, shall be given by fixing such Notice on the Door of the Church or Chapel or some other conspicuous Part of the Place to which such Assessment relates, upon the Sunday next or next but one after the same has been so allowed; and any Person in whose Custody such Assessment may be shall permit every Inhabitant or Owner or Occupier of Property included in such Assessment to inspect the same, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person wilfully neglect or refuse to permit any such Inhabitant, Owner, or Occupier to inspect such Assessment or to make any Extract therefrom, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit for every such Offence such Sum, not exceeding Five Pounds, as the Justices think meet. When Assessment is made, Notice thereof to be given, and all Persons included in the Assessment to have Liberty to inspect it, &c. Penalty for refusing such Inspection.

CLXX. The said Board shall from Time to Time nominate One or more Person or Persons for levying the Amount of Rate charged in every such Assessment, who shall proceed in the same Manner, and shall have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties, with reference to the levying of such Rate, as if he or they were an Overseer or Overseers of the Poor in a Place rated to the Relief of the Poor, and shall pay over the Amount of such Rate to the Treasurer of the said Board or otherwise as the said Board may direct, or in default thereof shall be proceeded against in the same Manner as Overseers are by this Act to be proceeded against for Nonpayment. Collection of the Rate charged in such Assessment.

CLXXI. Provided always, That if any Person who has paid the Amount of Rate charged upon him by the Assessment made by an Assessor appointed under this Act think himself aggrieved by such Assessment, on the Ground that such Assessment includes Property for which he is not rateable under this Act, or that it assesses his rateable Property beyond its full and fair annual Value, or that any Person is omitted out of such Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Person so aggrieved may appeal to the next Court of General or Quarter Sessions for the County or Franchise in which the Cause of Appeal arises, not less than Twenty-one Days after public Notice of such Assessment has been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Board a Notice in Writing Appeal against Assessment.

of such Appeal, and of the Cause and Matter thereof, Ten clear Days at the least before such Sessions, and shall also, within Three Days after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the County or Franchise, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person appeal on the Ground that any Person is omitted out of the Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the said Board, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person so interested in the event of such Appeal as aforesaid; and the Person so interested shall, if he desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions or some Adjournment thereof, upon due Proof of the Notice having been given, and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices think proper; and in case the said Justices think the Appellant entitled to Relief, they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him; and in case he have appealed on the Ground that any Person is omitted out of the Assessment, the said Justices may order the Name of such Person to be inserted in the Assessment, and to be therein rated at such Amount as they deem just; and in case the Appellant have appealed on the Ground that the Property of any Person is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person is rated in the Assessment to be altered in such Manner as they deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

The Assessment may be altered to relieve the Appellant, without altering any other Part of it.

Provisions for discharging existing Liabilities of Boards or Bodies having Powers of paving, &c., and of the Metropolitan Commissioners of Sewers.

Provision for discharging existing Liabilities

CLXXII. All Debts and Liabilities legally charged upon or payable out of any Rates or Assessments authorized to be levied or made under any Act relating to the paving, lighting, watering, cleansing, or

or improving of any Parish in either of the Schedules (A.) and (B.) to this Act, or any Part of any such Parish, shall be charged upon the Rates (other than those to be raised for defraying Expenses of Sewerage, and (where separate Rates are made under this Act for defraying Expenses of lighting) Expenses of lighting,) to be raised under this Act in such Parish or Part thereof, and the several District Boards and Vestries shall cause the Sums necessary for discharging such Debts and Liabilities to be raised in their respective Districts and Parishes accordingly; and such Boards and Vestries shall once in every Year set aside, out of the Rates charged under this Act with such Debts and Liabilities, such Sum as they think proper, not being less than such Per-centage as herein-after mentioned; that is to say, Three Pounds per Centum where the Amount of Principal Debt (exclusive of Annuities) does not exceed One Fourth of the rateable Value of the Property rateable for Payment thereof, and in other Cases Two Pounds per Centum on the Amount of the Principal Debt (exclusive of Annuities), for the Purpose of paying off such Principal, except where the Interest only of such Debt is charged upon such Rates or Assessments as aforesaid, and except also where any such Debt was contracted under the Authority of a Local Act, and the Local Act did not require that the Principal of such Debt should be paid off within a limited Time; and the Sums so from Time to Time set aside, and all Monies applied in augmentation thereof, and the Proceeds thereof respectively, shall be applied and dealt with, for the Purpose of paying off such Principal as aforesaid, in manner by this Act provided with respect to Sums set aside for the Purpose of providing a Fund for paying off Mortgages granted under this Act: Provided always, that where any Debts or Liabilities are charged on any Rates or Assessments not wholly levied or made in or upon any One Parish mentioned in Schedule (A.) to this Act, or any One District mentioned in Schedule (B.) to this Act, the Metropolitan Board of Works shall apportion such Debts and Liabilities between the respective Parishes and Districts in or upon which such Rates or Assessments are authorized to be levied or made, and shall certify to the District Board and Vestry respectively of every such District and Parish the Amount of the apportioned Part of such Debts and Liabilities to be discharged by Rates to be raised in such Parish or District, or any Part thereof, under this Act, and such apportioned Part shall be discharged accordingly.

under Local Acts relating to paving, &c.

CLXXIII. Notwithstanding the Determination or Expiration of the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, all Mortgages, Annuities, Securities, and other Debts and Liabilities which at or immediately before such Determination or Expiration may be a Charge on or payable out of all

Provision for Payment of Liabilities of Metropolitan Commissioners of Sewers.

or any of the Rates authorized to be levied thereunder shall continue in full Force, and be a Charge on the Districts or Parts in which such Rates would have been authorized to be levied in case such Act had continued in force, and all Persons who may be entitled to any such Mortgages, Annuities, or Debts shall have Priority in respect of all Monies advanced before the passing of this Act over any Monies advanced to the Metropolitan Board of Works under this Act, and shall have the like Priority among themselves as they are now entitled to under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, or any Act continuing or amending the same; and the Sums from Time to Time becoming payable under or required for Payment of the said Mortgages, Annuities, Securities, Debts, and Liabilities shall be raised by the Metropolitan Board of Works in such Districts or Parts in like Manner as the Expenses of such Board in the Execution of this Act; and in case any such District or Part be wholly or in part without the Limits of the Metropolis, as defined by this Act, the said Metropolitan Board shall from Time to Time issue Precepts under their Seal to the Overseers of the Parish or Parishes in which any Part without such Limits is comprised, requiring Payment to the Treasurer of the said Board or into any Bank in such Precepts respectively mentioned, within such respective Times as may be therein limited, of such Sums as it may be necessary to raise in such Part for the Purposes aforesaid; and the Provisions herein contained respecting the levying and Payment of Money by Overseers in pursuance of any Order of a Vestry or District Board shall be applicable, mutatis mutandis, to and for the levying and Payment of Money by Overseers in pursuance of any such Precept as aforesaid of the said Metropolitan Board; and the said Board shall once in every Year set aside such Sum as they think proper, not being less than Two Pounds per Centum on the Amount of all Principal Monies (exclusive of Annuities) becoming payable by them under this Enactment, for the Purpose of paying off all such Principal Monies; and the Sums so from Time to Time set aside, and all Monies applied in augmentation thereof, and the Proceeds thereof respectively, shall be applied and dealt with, for the Purpose of paying off such Principal Monies as aforesaid, in manner by this Act provided with respect to Sums set aside for the Purpose of providing a Fund for paying off Mortgages granted under this Act, and the Sums to be so set aside shall be raised by such Board in manner aforesaid.

Clause Aaa. Where Expenses have been incurred by the Metropolitan Commissioners of Sewers which may now be de-

CLXXIV. Where the Metropolitan Commissioners of Sewers have incurred any Expenses authorized by the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to be paid by an Improvement Rate, or as Charges for Default, it shall be lawful for the Metropolitan Board of Works to levy Improvement Rates or Charges for Default for the Recovery of the whole

whole of such Expenses, or such Portion thereof as shall still remain due and unpaid, in the Manner directed by the said Act, and the said Board shall have all the Rights and Remedies for the Recovery thereof which are now vested in the Metropolitan Commissioners of Sewers in this Behalf.

frayed by Improvement Rates, or as Charges for Default, such Rates or Charges to be levied by the Metropolitan Board.

General Powers to Metropolitan and District Boards and Vestries to borrow.

CLXXV. It shall be lawful for the Metropolitan Board and every District Board and Vestry, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow and take up at Interest, on the Credit of all or any of the Monies or Rates authorized to be raised by them under this Act, any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, such Board or Vestry may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Monies or Rates upon the Credit of which such Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Monies or Rates comprised in their respective Mortgages, according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that no Monies shall be so borrowed by any District Board or Vestry without the previous Sanction in Writing of the said Metropolitan Board.

Power to Boards and Vestries to borrow Money on Mortgage.

No Priority amongst Mortgagees.

CLXXVI. It shall be lawful for the Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to "authorize for a further Period the Advance of Money out of the "Consolidated Fund to a limited Amount for carrying on Public "Works and Fisheries and Employment of the Poor," and any Act or Acts for amending or continuing the same, to make Advances to any such Board or Vestry upon the Security of all or any of the Monies or Rates to be raised by them under this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CLXXVII. Every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Board or Vestry, and may be made according to the

Form of Mortgage.

Form (E.) contained in the Schedule to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Board or Vestry and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Board or Vestry a Register of the Mortgages made by them, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Register of Mortgages.

Repayment of Money borrowed at a Time agreed upon.

CLXXVIII. The Board or Vestry making any such Mortgage may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments or otherwise, as they may think fit; and in case the Board or Vestry fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Board or Vestry; and unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Board or Vestry may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Board or Vestry, and if given by the Board or Vestry shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to them, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the London Gazette; and if the Board or Vestry have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid

Interest on Mortgages to be paid half yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

Interest to cease on Expiration of Notice to

paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Board or Vestry fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage. pay off a Mortgage Debt.

CLXXIX. It shall be lawful for the said Metropolitan Board, with respect to any Security granted by the Metropolitan Commissioners of Sewers, or granted by such Board under this Act, and for every District Board and Vestry, with respect to any Security for any existing Debt or Liability which such Board or Vestry are by this Act required to discharge, and any Security granted by such Board or Vestry under this Act, to raise and borrow the Monies necessary for paying off such Security, and to pay off the same; and the Monies borrowed for the Purpose of such Payment shall be secured and repaid in like Manner as if borrowed for defraying the Expenses of the Execution of this Act: Provided always, that nothing herein contained shall extend to authorize the paying off of any Security otherwise than in accordance with the Provisions thereof. Power to borrow to pay off existing Securities.

CLXXX. If at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act or under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, or any Act continuing or amending the same, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Monies or Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Monies or Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees, and shall be rateably apportioned between or among them, but subject and without Prejudice to such Rights of Priority, if any, as shall then be subsisting between the Mortgagees or any of them: Provided always, that no Mortgagee shall be prejudiced, either directly or indirectly, by any Loss which may be occasioned by the Misapplication or Nonapplication of any Monies or Rates received by any Receiver appointed otherwise than upon the Application or with the express Consent of such Mortgagee, Payment of Principal and Interest may be enforced by the Appointment of a Receiver.

or by any Act, Deed, Neglect, or Default on the Part of such Receiver, but such Loss shall be wholly borne by the Mortgagee or Mortgagees upon whose Application or with whose express Consent such Receiver was appointed: Provided also, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

Transfer of Mortgages.

CLXXXI. Any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of every Board and Vestry making any Mortgages under this Act a Register of the Transfers of such Mortgages; and within Thirty Days after the Date of any such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk of the Board or Vestry making the Mortgage; and such Clerk shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same has been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Sinking Fund to be formed for paying off Mortgages.

CLXXXII. For the Purpose of providing a Fund for paying off Mortgages granted under this Act, the Board or Vestry granting such Mortgage shall once in every Year set aside, out of the Monies or Rates charged thereby, such Sum as they think proper, being not less than Two Pounds per Centum on the Amount of the Principal Monies secured thereby; and the Sum so from Time to Time set aside, and all other Monies applied by the Board or Vestry in augmentation of the said Fund, shall be applied, in the Manner hereinafter directed, in Payment, so far as the same will extend, of the Principal Money secured by such Mortgages, or the same shall be invested

invested in the Public Funds, or on Government or Real Security, in the Name of the Board or Vestry; and the Dividends and Interest of the Monies so invested, when and as the same become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund amounts to a Sum which, in the Opinion of the Board or Vestry, can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same is invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the said Principal Monies, and so from Time to Time until the whole of the said Principal Monies are discharged.

Mode of paying off Mortgages.

CLXXXIII. When and as often as the Board or Vestry are enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put in a Box, and the Clerk of the said Board or Vestry shall, at a Meeting of the Board or Vestry, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall be paid off by the Board or Vestry; and after every such Ballot the Board or Vestry shall cause a Notice, signed by the Clerk, to be given to the Person entitled to the Money to be paid off, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand.

Audit of Accounts.

Accounts of Metropolitan Board, District Board, and Vestries to be balanced up to the End of each Year.

CLXXXIV. The Metropolitan Board of Works, every District Board, and the Vestry of every Parish mentioned in either of the Schedules (A.) and (B.) to this Act, shall, in the Month of April in every Year, cause their Accounts to be balanced up to the Twenty-fifth Day of March next preceding, and shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into, and of all Monies received and expended, by them during

during the preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to such respective Board or Vestry, and of all Mortgages and other Debts and Liabilities then owing by such Board or Vestry.

Auditor of Accounts of Metropolitan Board to be appointed by Secretary of State, and remunerated by the Board.

CLXXXV. One of Her Majesty's Principal Secretaries of State shall, in the Month of April in every Year, by Order under his Hand, appoint some fit Person to be the Auditor of the Accounts of the said Metropolitan Board for the preceding Year; and every such Auditor shall be paid by such Board Five Guineas for every Day he is fully employed on such Audit, and all Expenses he is put to in the auditing of such Accounts; provided always, that such Payment shall not exceed Fifty Guineas.

Auditors to be elected annually by the District Boards.

CLXXXVI. Every District Board shall, in the Month of April in every Year, elect from among the Persons acting as Auditors for some Parish or Parishes in the District Three Persons, not being Members of such Board, to be Auditors for the current Year of the Accounts of such Board; and in case of the Death of any such Auditor the Board by whom he was elected shall forthwith elect some other such Person as aforesaid in his Place, and the Powers hereby given to the said Auditors may be exercised by any Two of them.

Audit of Accounts.

CLXXXVII. The Auditor of the Accounts of the said Metropolitan Board, and the Auditors of the Accounts of every District Board and every such Vestry as aforesaid, shall, in the Month of May, on such Day or Days as shall be fixed by him or them for the Audit of such respective Accounts, attend at the Office or principal Office of the Metropolitan Board of Works, or of such District Board or Vestry, (as the Case may require,) for the Purpose of auditing their Accounts; and such respective Boards and every such Vestry shall, by their Clerks, Treasurers, and other Officers, produce and lay before such Auditor or Auditors at every such Audit their Accounts for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Members of such respective Boards or Vestries and of the Ratepayers and Creditors on the Rates as desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Members of such respective Boards or Vestries or their Officers whom he or they shall deem accountable (and whom he and they is and are hereby empowered to summon, by Writing under his or their Hand or Hands,

Hands, or under the Hand of any One of them, to appear before him or them for the Purpose of such Examination,) touching the said Accounts, and shall also hear any Complaint which any such Ratepayer or Creditor shall at the Time of such Audit make touching such Accounts; and such Auditor or Auditors shall have full Power to examine, audit, allow, and disallow the said Accounts and Items therein, and shall charge in such Accounts all Sums (if any) which ought to be accounted for, and are not brought into account; and if such Accounts be found correct, such Auditor or Auditors, or the major Part of them, shall sign the same in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties.

Abstract of Accounts to be made.

CLXXXVIII. The Auditor or Auditors of the Accounts of the Metropolitan Board of Works, and of every District Board and Vestry, shall, after such Audit of Accounts as aforesaid, cause an Account in abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they has or have allowed such Accounts, or of the Parts, if any, which he or they have disallowed of such Accounts, and also a summary Statement of all Contracts entered into by such Board or Vestry in such preceding Year, and of the Monies owing to and Debts and Liabilities owing by such Board or Vestry on the Thirty-first Day of December of such preceding Year.

Clause B b b. Accounts of other Parochial Boards to be audited by the Auditors elected under this Act.

CLXXXIX. In all Parishes mentioned in the Schedules (A.) and (B.) to this Act, in which other Boards have Control over any Part of the Parochial Expenditure, the Auditors of Accounts of the Parish elected under this Act shall have the same Power of examining the Accounts and Officers of the said Boards as of examining the Accounts and Officers of the Vestry, and shall audit the Accounts of the said Boards in the same Manner as they audit the Accounts of the Vestry, and the Accounts of the said Boards shall not be subject to any other Audit: Provided always, that nothing herein contained shall apply to Accounts which if this Act had not been passed would have been subject to the Audit of any Auditor already or hereafter appointed under the Authority of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, or any Act incorporated therewith.

Annual Reports.

Annual Reports by Vestries and District Boards.

CXC. Every such Vestry as aforesaid and District Board shall in the Month of June in every Year cause to be printed the said Account

Account in abstract and summary Statement for the preceding Year, relating to such Vestry or Board, and also make and cause to be printed therewith a Report of their Proceedings in the Execution of this Act, and of the Works commenced and completed respectively in the preceding Year by such Vestry or Board, and the Works remaining in progress at the Termination of such Year; and also of any Proceedings taken by them or under their Authority in the preceding Year, in pursuance of any Regulations of the General Board of Health for the Time being in force, or otherwise, for the Removal of Nuisances or the Improvement of the Sanitary Condition of their Parish or District; and every such Vestry and Board shall in the said Month of June send a Copy of every such Account in abstract, Statement, and Report, together with a printed List of the Names and Addresses of the Members of such Vestry and Board, and of their Officers, to the Metropolitan Board of Works; and every Vestry and District Board shall permit Inspection at their Office of a Copy of any such Account in abstract, Statement, and Report by any Ratepayer in their Parish or District, without Payment, at all reasonable Times, and shall also permit the like Inspection by the Public generally of such List of Officers; and Copies of such Account in abstract, Statement, and Report, and List of Officers, shall be delivered to any Person applying for the same, on Payment of such reasonable Sums, not exceeding Twopence for each such Copy, as may be fixed by such Vestry or Board in this Behalf.

Clause Ccc. Vestry to make out and publish yearly a List of Estates, Charities, and Bequests, &c., with the Application thereof.

CXCI. Every such Vestry as aforesaid, shall cause to be made out once at least in every Year a List of the several Freehold, Copyhold, and Leasehold Estates, and of all Charitable Foundations and Bequests, if any, belonging to the Parish, and under the Control of the Vestry, the List to contain a true and detailed Account of the Place where such Estate or Charitable Foundation may be situate, or in what Mode and Security such Bequest may be invested, specifying also the yearly Rental of each, and the particular Appropriation thereof, together with the Names of the Persons partaking of their Benefit (except where such Benefit shall be allotted to the Poor of the Parish generally), and to what Amount in each Case, and also stating the Name and Description of the Persons in whom such Estates are vested, and the Names and Description of the Trustees for each Charity; and such Lists shall be open for the Inspection of the Ratepayers at the Office of the Vestry Clerk at the same Time with the Accounts when audited according to the Provisions of this Act.

CXCII. The

CXCII. The Metropolitan Board of Works shall, in the Month of June in every Year, make a Report of their Proceedings in the Execution of this Act, and shall in the said Month send a Copy thereof, together with a Copy of the said Account in Abstract and summary Statement for the preceding Year relating to such Board, to One of Her Majesty's Principal Secretaries of State, to the Commissioners of Her Majesty's Works and Public Buildings, to the General Board of Health, to the Lord Mayor of the City of London, and to each of the Vestries and District Boards in the other Parts of the Metropolis. Annual Report of Metropolitan Board of Works.

CLAUSE Ddd.

CXCIII. Every such Report, Account in abstract, and Statement to be sent to One of Her Majesty's Principal Secretaries of State as aforesaid shall be laid before both Houses of Parliament within One Month after the Receipt thereof if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament. Reports, &c. to be laid before Parliament.

Byelaws.

CXCIV. The Metropolitan Board of Works and every District Board and Vestry respectively may from Time to Time make, alter, and repeal Byelaws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at their Meetings and of Committees appointed by them, the Appointment and Removal of their Officers and Servants, and the Duties, Conduct, and Remuneration of such Officers and Servants; and the said Metropolitan Board may also from Time to Time make, alter and repeal Byelaws for regulating, in regard to Drainage, the Plans, Level, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Level of Sites for building, and for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected therewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies; and for other Works of cleansing, and of removing and disposing of Refuse, and for regulating the Form of Appeal and Mode of proceeding thereon; and generally for carrying into effect the Purposes of this Act; and every such Board and Vestry may thereby impose such reasonable Penalties as they think fit, not exceeding Forty Shillings, for each Breach of such Byelaws, and in case of a continuing Offence a further Penalty not exceeding Twenty Shillings for each Day after Notice of the Offence from the Board or Vestry: Provided always, that under every such Byelaw it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Power to Metropolitan Board of Works to make Byelaws. Penalty for Breach of Byelaws. Power to Justices to remit Penalties.

Penalty: Provided also, that no Byelaws shall be repugnant to the Laws of England or to the Provisions of this Act; and that no Byelaw shall be of any Force or Effect unless and until the same be submitted to and confirmed at a subsequent Meeting of the Board or Vestry: Provided also, that no Penalty shall be imposed by any such Byelaw unless the same be approved by One of Her Majesty's Principal Secretaries of State.

Publication of Byelaws.

CXCV. All Byelaws made and confirmed as aforesaid in pursuance of this Act shall be printed, and hung up in the principal Office of the Board or Vestry, and be open to public Inspection without Payment, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding Twopence, as the Board or Vestry shall direct; and such Byelaws, when so published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Byelaws, authenticated by the Seal of the Board or Vestry, shall be Evidence of the Existence, and of the due making, Confirmation, and Publication of such Byelaws, in all Prosecutions under the same, without adducing Proof of such Seal or of the Fact of such Confirmation or Publication of such Byelaws.

Evidence of Byelaws.

Provisions for Protection of Property and Works of Metropolitan and District Boards and Vestries, and preventing Obstruction in Execution of Works.

Penalty on Persons sweeping Dirt into Sewers.

CXCVI. No Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain, or into any Dock or Inlet communicating with the Mouth of any Sewer or Drain, or into which any Sewer or Drain may discharge its Contents, or into the River Thames contiguous thereto; and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for wilfully damaging, &c. Lamps or other Property of Vestries or District Boards, or of the Metropolitan Boards.

CXCVII. If any Person wilfully take away, break, throw down, or damage any Lamp set up for lighting any of the Streets in any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, or wilfully damage any other Property vested in any Vestry or District Board, or any Property vested in the said Metropolitan Board, it shall be lawful for any Person who sees such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey him, or to deliver him into the Custody

Custody of a Police Officer in order to be secured and conveyed, before some Justice; and if the Party accused be convicted of such Offence he shall forfeit the Sum of Forty Shillings, and shall also pay to such Vestry or Board the Amount of Damage done.

Persons carelessly or accidentally damaging Lamps, &c. to make Satisfaction.

CXCVIII. In case any Person carelessly or accidentally break, throw down, or damage any such Lamp, or the Iron or other Furniture thereof, or other such Property as aforesaid, he shall pay the Amount of Damage done.

Penalty on interrupting Workmen, &c. in Execution of Duties.

CXCIX. If any Person at any Time obstruct, hinder, or molest any Surveyor, Inspector, Collector, or other Officer, Workman, or Person whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall for the First Offence forfeit and pay the Sum of Five Shillings, for the Second Offence the Sum of Twenty Shillings, and for any subsequent Offence the Sum of Five Pounds.

Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name.

CC. If the Occupier of any Premises prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, or any Order of any Vestry or District Board made in pursuance thereof, he shall be liable to a Penalty not exceeding Five Pounds for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Vestry or District Board to state the Name and Description of the Owner of the Premises occupied by him, refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons; and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Clause Eee. Savings in Local Acts applicable to Commissioners of Sewers to apply to Metropolitan and District Boards and Vestries.

CCI. All Savings and Provisions in Turnpike, Railway, Waterworks, Improvement, and other Acts, saving and providing for the Rights, Powers, and Authorities of the Commissioners of Sewers for any of the Parts which shall be within the Metropolis as defined by this Act, shall, so far as the same are not inconsistent with the Provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Board of Works and the several District Boards of Works and Vestries having the Management of Sewers under this Act.

Appeals.

Clause Fff. Power to appeal against Orders and Acts of Vestries and District Boards in relation to Construction of Works.

CCII. Any Person who deems himself aggrieved by any Order of any Vestry or District Board in relation to the Level of any Building, or any Order or Act of any Vestry or District Board in relation to the Construction, Repair, Alteration, stopping or filling up, or Demolition of any Building, Sewer, Drain, Watercloset, Privy, Ashpit, or Cesspool, may, within Seven Days after Notice of any such Order to the Occupier of the Premises affected thereby, or after such Act, appeal to the Metropolitan Board of Works against the same; and all such Appeals shall stand referred to the Committee appointed by such Board for hearing Appeals as herein provided; and such Committee shall hear and determine all such Appeals, and may order any Costs of such Appeals to be paid to or by the Vestry or District Board by or to the Party appealing, and may, where they see fit, award any Compensation in respect of any Act done by any such Vestry or District Board in relation to the Matters aforesaid; provided that no such Compensation shall be awarded in respect of any such Act which may have been done under any of the Provisions of this Act on any Default to comply with any such Order as aforesaid, unless the Appeal be lodged within Seven Days after Notice of such Order has been given to the Occupier of the Premises to which the same relates.

Clause Ggg. Metropolitan Board to appoint a Committee for hearing Appeals.

CCIII. The Metropolitan Board of Works shall appoint a Committee for the Purpose of hearing all such Appeals as may be made to the said Board as aforesaid, which Committee shall have Power to hear and decide all such Appeals, and the Metropolitan Board of Works shall from Time to Time fill up any Vacancy in such Committee, and the Chairman of the said Board shall, by virtue of his Office of Chairman, be a Member of the said Committee in addition to the Members appointed by the said Board, and shall preside at all Meetings of such Committee at which he is present; and in case of a Vacancy in the Office of such Chairman, or, in his Absence, some other Member of the Committee shall be chosen to preside, and all the Powers of such Committee may be exercised by any Three of them, and any Member of such Committee may at any Time resign his Office.

Retiring Allowances to Officers of Commissioners of Sewers, and Compensations to other Officers.

Clause Hhh. Power to grant retiring Allowances to Persons employed under Metropolitan Commissioners of Sewers.

CCIV. The Metropolitan Board of Works may, if they deem it just, order the Payment of Retiring Pensions or Allowances, of such Amounts and upon such Terms as they deem just, to any Officers or Persons who have been employed under the Metropolitan Commissioners of Sewers, having regard in the Case of Persons who have been employed under any of the Commissions, determined by the issuing of the First Commission under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to their Employment under any of such Commissions, as well

well as under the said Metropolitan Commissioners of Sewers, and to pay such Pensions or Allowances out of such Monies raised by the said Metropolitan Board under this Act as to them may seem meet.

Clause Iii. Compensation to Officers of Paving Boards.

CCV. Every Officer to any Commissioners, Vestry, or other Body whose Powers in relation to paving, lighting, watering, cleansing, or improving, or otherwise in relation to the Regulation, Government, or public Concerns of any of the Parishes mentioned in either of the Schedules (A.) and (B.) to this Act, or any Part of any of such Parishes, are determined by this Act, and any paid Surveyor of Highways of any of such Parishes shall be entitled within Six Months after the Commencement of this Act to make a Claim for Compensation in respect of any Loss of Emoluments arising from the passing of this Act, such Claim to be made to the Vestry of the Parish in case the Office of the Claimant existed in any Parish mentioned in the said Schedule (A.), and in other Cases to the District Board of the District in which the Office existed; and it shall be lawful for such Vestry or Board respectively to inquire in such Manner as they think fit, what were the Nature and Tenure of the Office and the Period for which the same has been holden by the Claimant, and what were the lawful Emoluments in respect of which Compensation should be awarded; and the Vestry or District Board shall award a gross or yearly Sum, and, in the Case of a yearly Sum, for such Time as they think just upon consideration of the special Circumstances of each Case; but no such Award shall be final until confirmed by the Metropolitan Board of Works, and One Month before any such Award is taken into consideration by such Board Notice of such Award shall be given to the Party in whose Favour the same is made, and such Board shall take into consideration any Representations which may in the meantime be made to them by the Party in whose favour the Award is made, and by the Vestry or District Board making the same, and such further Information or Representations in relation to the Matter of any such Award as the said Metropolitan Board may see fit to require or receive; and such Board may confirm such Award with or without any Alteration therein as to them may seem just, or may refuse or withhold such Confirmation; and any Person making any such Claim to Compensation whose Claim is rejected by any Vestry or District Board may, within One Month after Notice to him of the Rejection thereof, appeal against the Determination of such Vestry or District Board to the Metropolitan Board of Works, and such Board shall consider all the Circumstances of the Case, and may, if it appear to them just, award Compensation to the Claimant in like Manner as the Vestry or District Board are herein empowered to do; and the Determination or Award of the said Metropolitan Board in reference to such Claim shall be final; and all Compensation awarded as aforesaid shall be paid out of

the general Rates to be levied under this Act in the Parish or particular Part of any Parish to which the Office in respect whereof the Compensation is awarded related, so as to charge such Parish or particular Part therewith in exoneration of other Parishes and Parts: Provided always, that if any Person to whom a yearly Sum is awarded by way of Compensation as aforesaid be appointed to any Office or Employment under the Vestry of any of the said Parishes, or under any District Board, or the Metropolitan Board of Works, or in the Public Service, the Payment of the Compensation so awarded shall be suspended so long at he continues to hold such Office or Employment if the Emoluments thereof be equal to or greater than the Amount of the Emoluments of the Office formerly held by him, and in case the Emoluments of the Office or Employment to which he is appointed be not equal in Amount to those of his former Office, then no more of such Compensation shall be paid to him than will, with the Salary of his new Appointment, be equal to the Emoluments of his former Office.

Miscellaneous Clauses.

Where Two or more Persons are to do any Act or pay any Sum of Money, Vestry or Board may apportion the same.

CCVI. Where, under the Authority of this Act, Two or more Persons are or may be directed by any Vestry or District Board to do or join in doing any Act, or to pay or join in paying any Sum of Money, Costs, or Expenses, or where any Vestry or District Board are authorized or think proper to permit Two or more Persons to join together in doing any Act, or paying any Sum of Money, Costs, or Expenses, it shall be lawful for the Vestry or District Board to apportion the Matter to be done, or the Sum of Money, Costs, or Expenses to be paid, between such Persons, in such Manner as the Vestry or Board consider just and reasonable.

Clause Kkk. Power to Vestries and District Boards to spread Repayment of Expenses over a Period not exceeding Twenty Years.

CCVII. In all Cases where any Vestry or District Board is authorized to order any Costs, Charges, or Expenses to be paid by private Parties it shall be lawful for such Vestry or District Board to order and accept Payment of such Costs, Charges, Expenses, together with Interest thereon after a Rate not exceeding Five Pounds for the Hundred by the Year, by Instalments, within such Period, not exceeding Twenty Years in each Case, as they may determine, the Amount thereof to be recoverable in the same Manner as other Expenses are to be recovered under this Act.

Occupiers to pay Expenses for which Owners are liable, and to be reimbursed out of the Rent.

CCVIII. It shall be lawful for any Vestry or District Board to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under this Act from any Person who then or at any Time thereafter occupies such Premises; and the Owner shall allow every such Occupier to deduct all Sums of Money which he so pays, or which are levied by Distress, out of the Rent from Time to Time becoming due in respect of the said Premises,

as

as if the same had been actually paid to such Owner as Part of such Rent.

Occupier not to be required to pay more than the Amount of Rent owing by him.

CCIX. Provided always, That no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Vestry or District Board, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier.

Agreements between Landlord and Tenant not to be affected.

CCX. Provided also, That nothing herein contained shall be taken to affect any Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant.

Clause Kkka. Service of Notices, &c. on Metropolitan and District Boards and Vestries.

CCXI. Any Summons or Notice, or any Writ or other Process at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Metropolitan Board of Works or any District Board or Vestry, may, unless herein otherwise provided, lawfully be served by delivering the same personally to the Clerk of such respective Board or Vestry, or by leaving the same at the principal Office of such Board or Vestry.

As to Service of Notices on Owners and Occupiers and other Persons.

CCXII. All Notices by this Act required to be given to the Owner or Occupier of any Land or Premises, or other Person, may be served personally on such Owner, Occupier, or Person, or left with some Inmate of his Place of Abode, and any Notice required to be given to any such Owner or Occupier may, if there be no Occupier, be affixed to some conspicuous Part of the Land or Premises, and it shall not be necessary in any Notice to any Owner or Occupier of any Land or Premises to name such Owner or Occupier: Provided always, that where there is no Occupier, and the Owner of any such Land or Premises, and his Place of Abode, is known to the Vestry or Board by or on behalf of whom such Notice is given, or any of their Officers, such Notice shall be served on such Owner personally, or left with some Inmate of his Place of Abode, or transmitted to such Owner through the Post Office, addressed to him at his Place of Abode or last known Place of Abode in England.

Authentication of Documents.

CCXIII. Every Notice, Demand, or like Document given by or on behalf of the Metropolitan Board of Works, or any Vestry or District Board, under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk or by the Officer by whom the same is given.

Proof of Debts in Bankruptcy.

CCXIV. If any Person against whom the Metropolitan Board of Works, or any District Board or Vestry, have any Claim or Demand, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Collector, in all Proceedings under the Bankruptcy or Insolvency, to represent such Board or Vestry, and act in their Behalf in all respects as if such Claim or Demand were the Claim or Demand of the Clerk or Collector, and not of such Board or Vestry.

Tender of Amends.

CCXV. If any Party have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or any Act incorporated therewith, or by virtue of any Power or Authority given by this Act or such other Act as aforesaid, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action.

Compensation, Damage, and Expenses how to be ascertained and recovered.

CCXVI. In every Case where the Amount of any Damage, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, or the Amount of any Damage, Costs, or Expenses is by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount shall, in case of Dispute, be ascertained and determined by and shall be recovered before Two Justices; and the Amount of any Compensation to be made under this Act by the said Metropolitan Board, or any Vestry or District Board, shall, unless herein otherwise provided, be settled, in case of Dispute, by and shall be recovered before Two Justices, unless the Amount of Compensation claimed exceed Fifty Pounds, in which Case the Amount thereof shall be settled by Arbitration, according to the Provisions contained in the Lands Clauses Consolidation Act, 1845, which are applicable where Questions of disputed Compensation are authorized or required to be settled by Arbitration.

Method of proceeding before Justices in Questions of Damages, &c.

CCXVII. Where the Amount of any Compensation, or of any Damage, Costs, or Expenses, is to be determined by or to be recovered before Two Justices, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before Two Justices, at a Time and Place to be named in such Summons;

Summons; and upon the Appearance of such Parties, or, in the Absence of either of them, upon Proof of due Service of the Summons, it shall be lawful for such Two Justices to hear and determine the Matter, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath, and make such Order, as well as to Costs as otherwise, as to them may seem just.

Recovery of Penalties.

CCXVIII. Every Penalty or Forfeiture imposed by this Act, or by any Byelaw made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceedings before any Justice in manner provided by the Act of the Session holden in the Eleventh and Twelfth Year of Her Majesty, Chapter Forty-three, "to facilitate the Performance of the Duties of Justices "of the Peace out of Sessions within England and Wales with "respect to summary Convictions and Orders." 11 & 12 Vict. c. 43.

Damages to be made good in addition to Penalty.

CCXIX. If, through any Act, Neglect, or Default on account whereof any Person has incurred any Penalty imposed by this Act, any Damage to the Property of the said Metropolitan Board, or any Vestry or District Board, has been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justices by whom the Party incurring such Penalty is convicted, and the Payment of the Amount of such Damage may be enforced in all respects as such Penalty.

Transient Offenders.

CCXX. It shall be lawful for any Officer or Servant of the said Metropolitan Board, or any Vestry or District Board, and for any Police Constable, and all Persons called by him to his Assistance, to seize and detain any Person committing any Offence against the Provisions of this Act, or any Byelaw made in pursuance thereof, and whose Name and Residence shall be unknown to such Officer or Servant or Police Constable, and convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Proceedings not to be quashed for Want of Form.

CCXXI. No Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving Security.

CCXXII. If any Person feel aggrieved by any Adjudication or Determination of any Justice or Justices with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General or Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two Sureties, before Two Justices, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCXXIII. At the General or Quarter Sessions for which such Notice is given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid to the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Penalties to be sued for within Six Months.

CCXXIV. No Person shall be liable to the Payment of any Penalty or Forfeiture under this Act, or any Byelaw made by virtue thereof, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence have been made before such Justice within Three Months next after the Commission or Discovery of such Offence.

Application of Penalties.

CCXXV. If the Application of any Penalty or Forfeiture be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder shall go to the Vestry or District Board of the Parish or District in which the Offence was committed, or if such Vestry or Board be the Informers, the whole of the Penalty recovered shall go to them; and all Sums which shall go to or be recovered by any such Vestry or Board on account of any such Penalty or Forfeiture shall be paid to their Treasurer, or otherwise into such Bank, to their Account, as they may direct, and shall be applicable to the general Expenses of the Vestry or Board; provided that in every Case where any Vestry or Board are liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

CCXXVI. And

Special Provisions and Savings.

Clause Lll. Agreement between the London and North Western Railway Company, and certain Paving Commissioners confirmed.

CCXXVI. And whereas by an Agreement, made on the Tenth Day of August One thousand eight hundred and fifty-four, between the London and North-western Railway Company of the One Part and Five of the Commissioners acting under certain Acts of Parliament relating to the paving and improving of certain Streets in the Parish of Saint Pancras in the County of Middlesex of the other Part, it was agreed that the Commissioners acting under the said Acts should, in consideration of the Payment of the Sums of Three thousand Pounds and Five hundred Pounds to the said Commissioners by the said Company, put into good and complete State of Repair and Condition certain Roads therein particularly mentioned, and (except in the event therein mentioned of an Act not being obtained during the then next Session to authorize the Transfer to the said Commissioners of the Management of the said Roads) would maintain the said Roads at their own Charge and Expense; and whereas the said Sums have been paid to the said Commissioners, and it is expedient that the said Agreement should be confirmed, as herein-after mentioned:

The said Agreement shall be confirmed so far as the same relates to the Repair and Maintenance of the said Roads; and the Maintenance thereof shall be vested in the Vestry of the said Parish of Saint Pancras in like Manner as if the said Commissioners had been by Act of Parliament liable to maintain and repair the said Roads at the Time of the Commencement of this Act; and the Sums paid to the said Commissioners as aforesaid, or such Part thereof as may not have been already applied for the Purpose of putting the said Roads into good and complete Repair, shall be paid over to the Vestry of the Parish of Saint Pancras, and be applied for the general Benefit of such Parish in aid of any Rates to be raised in such Parish to defray Expenses of paving, anything in this Act or in any Act relating to the said Company to the contrary notwithstanding.

Clause Mmm. Special Provision as to Ely Place and Ely Mews.

CCXXVII. This Act shall not divest the Commissioners under an Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Forty-eight (Local), "For paving, lighting, watching, cleansing, and improving Ely Place and Ely Mews, Holborn, in the County of Middlesex," of any of the Powers or Property vested in them under that Act, nor shall any of the Provisions of this Act in relation to the paving, lighting, watering, and cleansing of Streets apply to the Parts within the Limits of the said Local Act, nor shall such Parts be assessed or rated under this Act for defraying any Expenses incurred by the District Board for the Holborn District in relation to paving, lighting, watering, and cleansing; but such Parts shall be subject to all the Provisions of this Act relating to Sewerage and

House Drainage, and to be assessed or rated for Sewerage Expenses incurred by the said District Board, and for Expenses incurred by the Metropolitan Board of Works, and towards any Sums required to be raised by such Board under this Act, in like Manner as other Parts within the said District.

CLAUSE Nnn. Special Provision as to Woolwich.

CCXXVIII. Notwithstanding anything in this Act contained to the contrary, the Provisions of this Act shall extend and apply to the Parish of Woolwich only to the Extent and in manner herein-after mentioned; (that is to say,)

A Member of the Metropolitan Board of Works shall be from Time to Time elected by the Local Board of Health of Woolwich, at a Meeting of such Board, as by this Act directed with respect to the Vestry of each of the Parishes mentioned in the said Schedule (A.):

The said Metropolitan Board shall have and perform, within and in relation to the said Parish, all the Powers and Duties vested in them under this Act, in like Manner as within and in relation to other Parishes mentioned in the said Schedule (A.), save that the said Local Board shall be subject to all Orders of the said Metropolitan Board, in relation to Sewerage and otherwise, and to all Precepts requiring Payment of Money, in all respects as the Vestries of other Parishes in the said Schedule (A.) are subject to the same, in lieu of the Vestry of the said Parish; and all Sums required to be paid by such Precepts shall be defrayed out of any Moneys carried to the District Fund Account, or by means of a General District Rate to be levied on the whole of the Parish of Woolwich, or such Part thereof, as may be specified in the Precept of the said Metropolitan Board.

CLAUSE Ooo. Special Provisions as to inclosed Gardens in Squares, &c.

CCXXIX. Where any enclosed Garden or ornamental Ground is vested in or under the Maintenance or Management of any Commissioners or other Body for the Use of the Inhabitants of any Square, Crescent, Circus, Street, or Place surrounding or adjoining such Garden or Ground, and the Powers of such Commissioners or other Body do not extend beyond such Garden or Ground, and such Square, Crescent, Circus, Street, or Place, nothing in this Act shall divest such Commissioners or Body of any Property in such Garden or Ground, or in any Railing or Footway bounding the same, or of any Duties, Powers, or Authorities now or hereafter vested by or under any Act of Parliament, or any Conveyance, Lease, or other Instrument granted under any such Act, in any such Commissioners or other Body, for or in relation to the paving, watering, cleansing, improving, or regulating of such enclosed Garden or ornamental Ground, or in relation to the Railing or Footway bounding the same, or to levy Rates for defraying any Expenses incurred in the Execution of

of such Duties or Powers; and where the Maintenance or Management of any enclosed Garden or ornamental Ground is vested in any Commissioners or other Body for the Use or Benefit of the Inhabitants of any Square, Crescent, Circus, Street, or Place surrounding or adjoining the same, who are liable to be assessed for the Maintenance thereof, and the Powers of such Commissioners or other Body extend beyond such enclosed Garden or ornamental Ground, and such Square, Crescent, Circus, Street, or Place, the Maintenance and Management of such enclosed Garden or ornamental Ground shall be vested in a Committee, consisting of not more than Nine nor fewer than Three of such Inhabitants, and such Committee shall be appointed annually in Easter Week by the Vestry or District Board of the Parish or District in which such Square, Crescent, Circus, Street, or Place is situate; and the Vestry or Board shall from Time to Time raise the Sums required by such Committee for defraying the Expenses of the Maintenance and Management of such enclosed Garden or ornamental Ground by an additional Rate to be assessed on the Occupiers of the Houses or Buildings, the Occupiers whereof are now liable to be assessed for the same Purpose: Provided always, that where any such Rate which may now be levied for such Purpose is limited in Amount the Rate to be levied under this Provision shall be subject to the like Limit.

Clause Ppp. Saving of Powers and Property of Commissioners under "The Crown Estate Paving Act, 1851" and of Commissioners of Works.

CCXXX. This Act shall not divest the Commissioners for carrying into execution "The Crown Estate Paving Act, 1851," and the subsisting Provisions of the Acts therein recited, or the Commissioners of Her Majesty's Works and Public Buildings, of any of the Powers, Duties, Authorities, or Property vested in them respectively under the said Acts or otherwise; and nothing in this Act shall extend to authorize or empower any Vestry or District Board to exercise any Power or Control whatsoever in respect of paving, maintaining, lighting, watering, cleansing, and regulating any Streets or Places in the Neighbourhood of the Houses of Parliament, delineated on a Plan marked E., referred to by "The Crown Estate Paving Act, 1851," or any Portion of the District now under the Management of the Commissioners for carrying into execution the said Crown Estate Paving Act, and the subsisting Provisions aforesaid, or to exercise any Power or Control whatsoever in or over any of the Royal or Public Parks, Gardens, or Pleasure Grounds, the Management whereof is now or may for the Time being be vested in such last-mentioned Commissioners, or in the Commissioners of Her Majesty's Works and Public Buildings; nor shall any such Street or Place, or any Portion of such District, as aforesaid, be assessed or rated under this Act for defraying any Expenses incurred by any Vestry or District Board in relation to paving, lighting, watering,

watering, or cleansing, but such Streets, Places, and District shall be subject to all the Provisions of this Act relating to Sewerage and House Drainage, and to be assessed or rated for Sewerage Expenses incurred by any such Vestry or Board, and for Expenses incurred by the Metropolitan Board of Works, and towards any Sums required to be raised by such Board under this Act as by this Act provided.

CLAUSE Qqq. Saving of Powers of Commissioners of Sewers of the City over such Parts of any Parishes in Schedule (B.) as are in the City.

CCXXXI. Nothing in this Act shall divest the Commissioners of Sewers of the City of London of any Powers or Property vested in them in relation to such Parts of any of the Parishes mentioned in Schedule (B.) to this Act as are within the City of London, nor shall such Parts be subject to be rated or assessed by any District Board, but shall be subject to all the Powers of the Metropolitan Board of Works as other Places in the City of London.

CLAUSE Rrr. Saving the Rights of the Metropolitan Sewage Manure Company. 9 & 10 Vict. c. 398. 10 & 11 Vict. c. 138.

CCXXXII. Nothing in this Act shall extend to or affect any of the Rights, Privileges, Powers, or Authorities vested in the Metropolitan Sewage Manure Company by an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, intituled "An Act to incorporate a Company by the Name of the Metropolitan Sewage Manure Company," or an Act of the Session then next following, intituled "An Act for enabling the Metropolitan Sewage Manure Company to alter the Line of their Works, and for other Purposes:" Provided always, that all Rights, Powers, and Authorities by either of the said Acts vested in the Commissioners of Sewers for the Time being for the City and Liberty of Westminster and Part of the County of Middlesex shall be vested in the Metropolitan Board of Works, and the Provisions of the said Acts shall be construed as applying to such Board in lieu of such Commissioners, but any Order or Act which might have been made or done by the said Commissioners at a Court of Sewers may be made or done by the said Metropolitan Board at any Meeting of such Board.

CLAUSE Rrr*a*. Saving as to Turnpike Roads.

CCXXXIII. Nothing in this Act shall divest the Commissioners or Trustees of any Turnpike Road of any Powers or Property vested in them as such Commissioners or Trustees, save as herein expressly provided with respect to Turnpike Roads, and save that the Footpaths of any such Road shall be under the Care and Management of the Vestries and District Boards of the Parishes or Districts in which the same are situate in like Manner as other Footpaths in such Parishes and Districts: Provided always, that the Provisions of this Act transferring to Vestries and District Boards Powers and Property vested in any Commissioner or other Body in relation to the paving, lighting, watering, cleansing, and improving of their Parishes and Districts, and all other Provisions of this Act incident to or consequent

sequent upon such Transfer, shall apply to all Powers and Property vested in the Trustees of the Commercial Road, so far as regards any Streets or Highways other than such Road, and also so far as regards the Footpaths of such Road.

Clause Rrr *b.* Saving for Metropolitan Police Commissioners.

CCXXXIV. Nothing in this Act shall affect the Commissioners of the Police of the Metropolis.

Clause Sss. Repeal of Acts inconsistent with this Act.

CCXXXV. All Acts of Parliament in force in any Parish or Place to which this Act extends, or in any Part of such Parish or Place, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed as regards such Parish or Place, or such Part thereof, notwithstanding any Provisions of this Act continuing and transferring respectively to Vestries of Parishes and transferring to District Boards any Duties, Powers, or Authorities now vested in Vestries, Commissioners, or other Bodies.

Power to extend Act to adjoining Parishes.

Act may be extended by Order in Council to Parishes adjoining the Metropolis not having less than 750 Ratepayers.

CCXXXVI. In case and when and so often as it is made to appear to Her Majesty in Council, upon the Representation of the Metropolitan Board of Works, that the Provisions of this Act should be extended to any Parish adjoining the Metropolis, and in which there are not less than Seven hundred and fifty Inhabitants rated to the Relief of the Poor, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Provisions of this Act shall extend to such Parish, from and after a Day to be mentioned in this Behalf in the Order in Council, and that such Parish shall join with any Parish or Parishes or District in such Order named in the Election from Time to Time of the Member or Members of the Metropolitan Board of Works by this Act directed to be elected for such Parish or Parishes or District, and to make such Provision as to the Mode in which every such joint Election shall take place, and otherwise in relation thereto, as to Her Majesty in Council may seem necessary and proper; and every such Order shall be published in the London Gazette; and from and after the Time mentioned in such Order for the Extension of the Provisions of this Act to any Parish as aforesaid, the Provisions of this Act shall extend to and be in force therein, in like Manner, so far as Circumstances will admit, as such Provisions apply to any Parish mentioned in Schedule (A.) of this Act, subject, nevertheless, to the Provisions in such Order contained in relation to the Election by such Parish jointly as aforesaid of a Member or Members of the said Metropolitan Board: Provided always, that Notice of every such Representation, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette, One Month at least before such Representation is so considered

Interpretation and Commencement of Act.

Interpretation of Terms: "the Metropolis:" "the City of London."

CCXXXVII. In the Construction of this Act, "the Metropolis" shall be deemed to include the City of London, and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to this Act; "the City of London" shall be deemed to include all Parts now within the Jurisdiction of the Commissioners of Sewers for the City of London; and the Word "Parish" shall include any Hamlet, Tithing, Ville, Liberty, Precinct, or Place maintaining its own Poor, and where Parishes have been united or reunited by Act of Parliament for any Purposes shall mean each of the Parishes so united or reunited; the Expression "the Overseers of the Poor" shall include any Persons authorized to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish; any Expression referring to any Rate or Rates raised under this Act by the Metropolitan Board of Works or any Vestry or District Board shall mean the Sums and Rates authorized to be raised by the said Metropolitan Board and the Sums authorized to be raised by any Vestry and District Board respectively; the Word "Owner" shall mean the Person for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent; the Word "Street" shall apply to and include any Highway (except the Carriage Way of any Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and a Part of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage; the Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed; and the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain," interpreted as aforesaid, applies and the Word "Ashpit shall include "Dustbin."

"Overseers of the Poor:"

"Rates:"

"Owner:"

"Street:"

"Drain:"

"Sewer:"

"Ashpit."

Commencement of Act.

CCXXXVIII. This Act shall commence and come into operation, save as herein otherwise provided, on the First Day of December One thousand eight hundred and fifty-five.

SCHE-

SCHEDULE (A.)

Part I.

Parishes each electing Two Members of the Metropolitan Board of Works.

Saint Marylebone.
Saint Pancras.
Lambeth.
Saint George Hanover Square.
Islington, Saint Mary.
Shoreditch, Saint Leonard.

Part II.

Parishes each electing One Member of the Metropolitan Board of Works.

Paddington.
Saint Matthew Bethnal Green.
Saint Mary Newington, Surrey.
Camberwell, including Peckham.
Saint James Westminster.
Saint James and Saint John Clerkenwell.
Chelsea.
Kensington, Saint Mary Abbot.
Saint Luke.
Saint George the Martyr Southwark.
Bermondsey.
Saint George in the East.
Saint Martin in the Fields.
Hamlet of Mile End Old Town.
Woolwich.
Rotherhithe.
Saint John Hampstead.

SCHEDULE (B.)

Parishes united into Districts for the Purposes of the Act.

Part I.

Districts each electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Whitechapel District -	Saint Mary Whitechapel - - -	27
	Christchurch Spitalfields - -	12
	Saint Botolph without Aldgate, in the County of Middlesex - -	6
	Holy Trinity, Minories - - -	1
	Saint Katherine, Precinct of - -	1
	Mile End New Town, Hamlet of -	6
	Liberty of Norton Folgate - -	3
	Old Artillery Ground - - -	1
	Tower, District of - - -	1
	Total - - - -	58
Westminster District -	Saint Margaret - - -	30
	Saint John the Evangelist - -	27
	Total - - -	57
Greenwich District -	Saint Paul Deptford, including Hatcham	21
	Saint Nicholas Deptford -	6
	Greenwich - - - -	30
	Total - - -	57
Wandsworth District -	Clapham - - - - -	18
	Lower Tooting - - - -	3
	Streatham - - - -	9
	Saint Mary Battersea, excluding Penge	12
	Wandsworth - - - - -	9
	Putney, including Roehampton -	6
	Total - - -	57
Hackney District -	Hackney - - - -	51
	Saint Mary Stoke Newington -	6
	Total - - -	57

Name of District.	Parishes.	Number of Members to be elected to District Board.
Saint Giles District -	Saint Giles in the Fields - -	27
	Saint George Bloomsbury - -	21
	TOTAL - - -	48
Holborn District -	Holborn, Saint George the Martyr -	24
	Saint Andrew above Bars - -	9
	Saint Sepulchre, in the County of Middlesex - - - -	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place - -	9
	The Liberty of Glasshouse Yard -	1
	TOTAL - - -	49
Strand District -	Saint Anne Soho - - -	18
	Saint Paul Covent Garden - -	9
	Saint John the Baptist Savoy, or Precinct of the Savoy - -	1
	Saint Mary-le-Strand - -	3
	Saint Clement Danes - -	15
	Liberty of the Rolls - - -	3
	TOTAL - - -	49
Fulham District -	Saint Peter and Saint Paul Hammersmith - - - -	24
	Fulham - - - -	15
	TOTAL - - -	39
Limehouse District -	Saint Anne Limehouse - -	15
	Saint John Wapping - -	3
	Saint Paul Shadwell - -	6
	Ratcliffe, Hamlet of - -	12
	TOTAL - - -	36
Poplar District - -	All Saints Poplar - - -	24
	Saint Mary Stratford-le-Bow - -	9
	Saint Leonard Bromley - -	15
	TOTAL - - -	48

PART II.

Districts united for electing One Member each of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Saint Saviour's District	Christchurch	15
	Saint Saviour	6
	Liberty of the Clink	18
united with	TOTAL	39
Saint Olave District	Saint Olave	12
	Saint Thomas Southwark	1
	Saint John Horselydown	15
	TOTAL	28
Plumstead District	Charlton next Woolwich	9
	Plumstead	12
	Eltham, including Mottingham Hamlet	6
	Lee	9
	Kidbrooke	1
united with	TOTAL	37
Lewisham District	Lewisham, including Sydenham Chapelry	24
	Hamlet of Penge	3
	TOTAL	27

SCHEDULE (C.)

Whitehall Gardens.	Inner Temple.
Whitehall.	Middle Temple.
Richmond Terrace.	Lincoln's Inn.
The Close of the Collegiate Church of Saint Peter.	Gray's Inn.
The Charter House.	Staple Inn.
	Furnival's Inn.

SCHE-

SCHEDULE (D).

Main Sewers of the Metropolis.

North Side of the Thames.

Stamford Brook (*West Branch*).

Commences at an Angle in the Boundary between the Parishes of Hammersmith and Acton, on the South of the Uxbridge and London Road, and tangent to a Footpath running South from East Acton Lane, extending thence in a South-easterly Direction to Paddenswick Green, when it joins the East Arm of the said Brook.

Stamford Brook (*East Branch*).

Commences at a Point on the Boundary between the Parishes of Hammersmith, Willesden, and Acton, about 100 Feet North-east of the Old Oak Bridge over the North-western Railway, extending thence in a Southerly Direction to Paddenswick Green.

The united Streams of the above Two Branches discharge into Hammersmith Creek.

Brook Green Sewer.

Commences in Wood Lane, at the Keeper's Lodge, on the South Side of Wormwood Scrubs, and discharges into the River Thames by Two Outlets, viz., Bridge Road and Queen Street, on the East Side of Hammersmith Suspension Bridge.

A Branch from the above commences in New Road, at the North End of the Grove, and joins the Main Sewer at Broadway Hammersmith.

Fulham Sewer.

Commences at a Sluice in the Moat surrounding the Bishop of London's Palace, on the West Side of the Junction of High Street, Fulham, with the Fulham Road, and discharges into the Thames under the Toll House of Fulham Bridge.

Eel Brook Sewer

Commences at a Point in North End Road, about 80 Feet North-west of Walham Green Church, and discharges into Kensington Canal on the South-east Side of the Imperial Gasworks.

Counters Creek Sewer (*Main Line*).

Commences at a Point in the Harrow Road, about 200 Feet West of Kensal Green Cemetery Gate, and discharges into the Thames at the Outlet now forming on the South-west Side of Cremorne Gardens.

Counters Creek Sewer (*West Branch*).

Commences at a Culvert under the Grand Junction Canal, on the Boundary between the Parishes of Kensington and Hammersmith, at the South-west Corner of Kensal Green Cemetery, and joins the above Main Line in Latimer Road at its Junction with Bromley Road.

Counters Creek Sewer (*East Branch*).

Drains the whole of Kensal New Town, situate in a detached Portion of the Parish of St. Luke Chelsea, and Part of the Parish of St. Mary Paddington, and passes under the Great Western Railway, at a Bridge leading to Portobello Lane, on the South-east Side of the Western Gasworks, and joins the Main Sewer at a Point about a Quarter of a Mile North-west of Notting Barn Farm.

Counters Creek Sewer (*Kensington Branch*).

Commences in Victoria Grove at about 50 Feet to the North of Uxbridge Road, and joins the Main Line at the Junction of Pembroke and Warwick Roads.

Sewer to the Metropolitan Sewage Manure Works.

Commences at Knightsbridge at its Junction with the Ranelagh Sewer, and extends thence in a South-westerly Direction to the Works at Stanley Bridge.

Millman's Row Sewer.

Commences in Fulham Road, at about 780 Feet West, and at about 230 Feet East of the Junction of Park Walk with Fulham Road, and discharges into the River Thames opposite to Millman's Row.

Church Street Sewer.

Commences in Gloucester Road at its Junction with Canning Place, at about 750 Feet South of Hogmore Lane Gate, and discharges into the Thames on the South Side of Chelsea Old Church.

Queen

Queen Street Sewer.

Commences between Gloucester Road and Hyde Park Gate South, on the South of Kensington Road, and about 300 Feet South of Kensington Gate runs through Old Brompton, and discharges into the River Thames on the East Side of Chelsea Free Dock.

Smith Street Sewer.

Commences in the Kensington Road at a Point about 750 Feet West of Prince of Wales Gate, and extends thence by Rutland Gate, Rutland Street, and Fulham Road, on the West of Brompton Crescent, and along College and Markham Streets, and discharges into the Thames on the West Side of Chelsea Royal Hospital.

Ranelagh Sewer.

The Branch Sewers from Edgeware Road, Finchley Road, and Kilburn Vale, unite at Kilburn Bridge, and for the Main Line, which, running in a Southerly Direction, discharges into the River Thames on the South-east Side of Chelsea Royal Hospital.

This Sewer has several Branches, the chief of which commences in Grove End Road, at about 900 Feet West of St. John's Wood Road, extending thence by Lisson Grove, New Road, Grand Junction Road, and Albion Street, to a tumbling Bay, where it joins the Main Sewer in Uxbridge Road.

King's Scholars Pond Sewer.

Commences in the Finchley Road, at about 1500 Feet above Junction Road Toll Gate, and discharges into the River Thames at the Equitable Gasworks, about 700 Feet above Vauxhall Bridge.

King's Scholars Pond Sewer (*Pall Mall Branch*).

Commences at Waterloo Place, and joins the Main Line opposite the Entrance of Buckingham Palace.

Grosvenor Ditch.

Commences in Page Street, at about 150 Feet East of the Junction with Regent Street, Vauxhall Bridge Road, and discharges into the River Thames at the Northern Extremity of Millbank Road.

Horseferry Road Sewer.

Commences in Grey Coat Place, and discharges into the River Thames at the Horseferry Stairs.

Wood Street Sewer.

Commences in Grey Coat Place, and discharges into the River Thames in the Prolongation of Wood Street.

Victoria Street Sewer.

Commences at Shaftesbury Terrace, Pimlico, and discharges into the Thames at Percy Wharf.

Regent Street Sewer (*Western Branch*).

Commences in the outer Circle of the Regent's Park, at about 200 Feet North-west of Hanover Gate Entrance, and joins the Eastern Branch in the New Road, opposite to the Prolongation of Portland Place.

Regent Street Sewer (*Eastern Branch*).

Commences in Upper Albany Street, at about 200 Feet South of Collateral Cut Bridge over the Regent's Canal, and joins the Western Branch at the aforesaid Point in the New Road.

The Main Sewer proceeds thence along Regent Street, and discharges into the River Thames at Percy Wharf.

Northumberland Street Sewer (*Western Branch*).

Commences in Warren Street, on the North of Fitzroy Square, and proceeds in a southerly Direction along Cleveland, Newman, Wardour, Princes, and Panton Streets, Haymarket, to Charing Cross, opposite the District Post Office.

Northumberland Street Sewer (*Eastern Branch*).

Commences in New Road, at about 170 Feet West of the Junction with Hampstead Road, and proceeds along Tottenham Court Road, High Street, Seven Dials, and St. Martin's Lane, to Charing Cross, when it joins the Western Branch.

The Main Line proceeds along Northumberland Street, and discharges into the Thames at Northumberland Wharf.

Savoy Street Sewer.

Commences in Stanhope Street, Regent's Park Basin, at a Point at about 160 Feet North of the Junction with Edward Street, and proceeds along Robert, George, Gower, Charlotte, Bloomsbury, Endell, Bow, Wellington, and Savoy Streets, and discharges into the Thames at a Point about 100 Feet above Waterloo Bridge.

Norfolk Street Sewer.

Commences at the Junction of Drury Lane and Long Acre, and passes by the Olympic Theatre, and along Newcastle Street and Strand, and discharges into the River Thames opposite Norfolk Street.

Essex Street Sewer (Western Branch).

Commences in Russell Square, opposite Montague Place, and proceeds along Montague, Russell, and Museum Streets, Drury Lane, Great Wild Street, and Vere Street, to the Junction of the Eastern Branch at the Intersection of Sheffield and Gilbert Streets, Clare Market.

Essex Street Sewer (Eastern Branch).

Commences at the Corner of Tottenham Court Road, and proceeds along New Oxford Street, Newton Street, and Cross Lane, Parker and Great Queen Streets, West Side of Lincoln's Inn Fields, to the Junction with the Western Arm above described.

The Main Sewer proceeds thence along Gilbert Street, Clement's Lane, Pickett Street, and Essex Street, and discharges into the River Thames at Temple Pier.

Fleet Sewer.

Commences in High Street, Hampstead, at the Junction of High Street with Flask Walk, extending thence through South End Green, Gordon House Lane, Victoria Road, Great College Street, Old St. Pancras Road, Bagnigge Wells Road, West of Middlesex House of Correction, and by Farringdon Street to Blackfriars Bridge, where it discharges into the River Thames.

This Sewer has numerous Tributaries running into other Districts, the chief of which are Camden Road, Caledonian Road, Pentonville Hill, River Street, St. John's Road, Holborn Hill, and Guildford Street.

Goswell Street Sewer.

Commences in Sydney Street, at the Junction of Sydney Grove, and dischages into the Thames at Walbrook.

London Bridge Sewer (City Road Branch).

Commences at Duncan Terrace, on the West Side of the New River, and joins the Main Line at the North End of Finsbury Pavement.

Another Branch commences in Lonsdale Square, Islington, and, extending thence through Barnsbury Street, Richmond Grove, passes under the New River at New North Road Bridge, thence along Portland Place, King Street, under the Regent's Canal, by Sturt's Lock, Walbrook Street, and Critchill Place, where it joins another Branch at St. John's Church Hoxton.

London Bridge Sewer (*Balls Pond Branch*).

Commences on the Boundary between St. Mary Islington, and St. John Hackney, at Cock and Castle Lane, Dalston, and passes by Balls Pond and Rosemary Branch Bridge to the Junction at St. John's Church, above described. The united Sewers then discharge into the River Thames at London Bridge.

London Bridge Sewer (*Shoreditch Branch*).

Commences in Queen's Road, at the Junction with Laurel Street, Dalston, and extending thence along Queen's Road, Great Cambridge Street, Hackney Road, Shoreditch, and Bishopsgate, joins the Main Line at King William's Statue.

Irongate Sewer.

Commences in the City, and proceeds along the South-west Side of Houndsditch, West Side of Minories, and by the Precincts of Old Tower Without, and discharges into the River Thames at Irongate Stairs, on the East of the Tower.

Nightingale Lane Sewer.

Commences in Union Street, Old Artillery Ground, and Booth Street, Spitalfields, and extends thence along Commercial, Leonard, Wells, and Parson Streets, and Nightingale Lane, and discharges into the Thames on the Western Side of the Entrance into Hermitage Basin.

Hermitage Street Sewer.

Commences in Redmead Lane, on the Boundary between the Parishes of St. John Wapping and St. George in the East, and extends thence along Great Hermitage Street, and discharges into the River Thames at about 50 Feet East of Union Stairs.

Old Gravel Lane Sewer.

Commences at the Boundary between the Parishes of St. George in the East and St. John Wapping, in Old Gravel Lane, and discharges into the River Thames at a Point about 110 Feet West of the Thames Tunnel.

Wapping

Wapping Wall Sewer.

Commences in Green Bank, at the Junction of Upper Well Alley, and passes through King Street, and discharges into the River Thames at about 120 Feet on the North-east Side of New Crane Dock.

Shadwell Basin Sewer.

Commences on the North Side of the Eastern Dock, at the Termination of West Gardens, and extends thence between the Warehouses and New Gravel Lane, on the North Side of Shadwell Basin, and along Shadwell Dock Street, and discharges into the River Thames at the Eastern Pier of the Shadwell Entrance to the London Docks.

Pennington Street Sewer.

Commences at the Boundary between the Parishes of St. George in the East and St. John Wapping, in St. George Street, and extends thence along Pennington Street, Old Gravel Lane, West Gardens, Cow Lane, Little Spring Street, Labour-in-Vain Street, and Lower Shadwell, and discharges into the River Thames at Shadwell Dock Stairs.

Ratcliffe Highway Sewer (*Western Branch*).

Commences at the Junction of Sherwood Place with Meed Street, at about 900 Feet South-east of Shoreditch Church, and extends along Turvile, Thomas, and High Streets, and Whitechapel Road, to the Junction of New Road with Whitechapel Road.

Ratcliffe Highway Sewer (*Eastern Branch*).

Commences at the Junction of Hague Street with Bethnal Green Road, and extends along Hague Street, Wellington and Charles Streets, to the Junction of New Road with Whitechapel Road, above described.

Ratcliff Highway Sewer (*North-eastern Branch*).

Commences from the Rear of Shoreditch Church, and proceeds along Old Castle Street, Virginia Row, Wellington Row, Old Bethnal Green Road, Cambridge Road, Cleveland Street, King Street, Jamaica Street, Havering Street, and Love Lane, to Ratcliffe Highway.

The Main Sewer proceeds along New Road, Cannon Street Road, St. George's Street, High Street, Shadwell, and Broad Street, and discharges into the River Thames at Ratcliff Cross Stairs.

Limekiln Dock Sewer.

Commences at the Junction of Victoria Road with Bishop's Road, on the South-western Side of Bonner's Hall Bridge, leading into Victoria Park, and extends along Victoria Road, East Side of Bethnal Green, Globe Road, White Horse Lane, and Rhodeswell Road, and passes under the Regent's Canal at Rhodeswell Wharf, thence along the Black Ditch, Upper North Street, and North Street, and discharges into the River Thames at Limekiln Dock.

Great Sluice and Drunken Dock Sluice.

These Sluices are situated on the Eastern Side of the Isle of Dogs, and drain the whole of that Part of the Isle South of the West India Dock Basin. They have Four inlet Sluices for Purposes of flushing.

Blackwall Sluice.

Commences at Batson's Inlet, near Limehouse Entrance to the West India Dock, and discharges into the Thames on the North Side of the Blackwall Entrance to the West India Dock.

Eastern Counties Railway Sewer.

Commences at Mile End Bridge, over the Regent's Canal in Bow Road, proceeds along Bow Road, Tredegar Square, and by the Railway, and discharges into the River Lea, where the Viaduct of the said Railway crosses that River.

Hackney Brook Sewer (*Main Line*).

Commences in the High Road opposite to St. John's Church Upper Holloway, and extends thence in a South-east Direction along Holloway Road to a Point about 450 Feet South of Tollington Road, thence in an Easterly Direction by the North of Abney Park Cemetery, Hackney Downs, and Hackney Wick, and discharges into the River Lea, immediately to the North of Old Ford Wharf.

Hackney Brook Sewer (*Wick Lane Branch*).

Commences in Old Ford Road, on the East Side of Old Ford Bridge, crossing the Regent's Canal, and extends along Grove Road, Wick Lane, and joins the Main Sewer at Hackney Wick.

SOUTH SIDE OF THE THAMES.

Beverley Brook.

Commences on the Boundary between the Parishes of Putney and Wimbledon, at a Point about 1,800 Feet South of Beverley Bridge, on the Kingston Road, and discharges into the River Thames about Half a Mile above Putney Town.

Sewer between Parishes of Putney and Wandsworth.

Commences on the Road from Kingston to Wandsworth, and discharges into the River Thames at a Point about 1,500 Feet below Fulham Bridge.

Wandle River.

Commences at a Point where the Parishes of Streatham and Tooting intersect the River, and discharges into the River Thames at the Town of Wandsworth.

Falcon Brook.

Commences at Tooting Common, and discharges into the River Thames at Battersea Creek.

Lord Spencer's Sewer.

Commences in the Town of Battersea, and extends in an easterly Direction through Battersea Park, and discharges into the River Thames at about 400 Feet below Battersea New Bridge.

Heath Wall Sewer (Main Line).

Commences at the Falcon Brook at a Sluice about 300 Feet North of the South-western Railway, and extending along the South Margin of Battersea Fields, discharges into the Thames at Heath Wall Mill.

Heath Wall Sewer (Clapham Rise Branch).

Commences on the Boundary between the Parishes of Clapham and Lambeth at the Intersection of New Road with Clapham Rise, and extends along the East Side of Clifton Street, and joins the Main Sewer at a Point about 100 Feet North-east of New Road, Battersea Fields.

Effra Sewer.

Commences at the Boundary between the Parishes of St. Mary Lambeth and Croydon, in Westow Hill Road, immediately opposite to the Convent of "Our Lady," and discharges into the River Thames at Vauxhall Creek, on the South Side of the Phœnix Gasworks, and near to Vauxhall Bridge.

Effra Sewer (Upper Norwood Branch).

Commences in Westow Hill Road on the Boundary between the Parishes of Lambeth and Croydon, at about 200 Feet West of the Crystal Palace Hotel, and proceeds Northward along the Boundary between the Parishes of St. Mary Lambeth and St. Giles Camberwell, and joins the Main Sewer at a Point about 230 Feet West of Croxted Lane.

Duffield and Battle Bridge Sewers.

These Sewers drain the most densely inhabited Portions of the South Side. The Inlets for flushing Purposes are at Kennington, Vauxhall, Lambeth Church, and Stangate. The Outlets are by the following Sluices, viz., the Arnold and Dover Sluices, near Waterloo Bridge; Pudding Mill, near Blackfriars Bridge; the Boar's Head, Welsh Troopers, Black Lion, and Bear Sluices, near Southwark Bridge; the Bridge Yard, Battle Bridge; and Green Bank, in St. Olave Southwark; Freeman's Lane, St. John Jerusalem; and Great St. John, in Horsleydown; and the Salisbury and Duffield Sluices, in Bermondsey.

Limekiln Sluice.

Drains the open Fields of Part of the Parish of Rotherhithe, and proceeds along Swan Lane, and discharges into the River Thames at about 300 Feet East of the Thames Tunnel.

Globe Stairs Sewer.

Drains the Northern Basin of the Commercial Dock Company, and extends along the Eastern Side of St. Paul's Church Rotherhithe, and Part of Rotherithe Street, and discharges into the River Thames at Globe Stairs.

Sewer at Durand's Wharf (Rotherhithe).

Commences to the South-east of Bull-Head Dock, Rotherhithe, and pursues an easterly Course by Rotherithe and Lower Queen Street, and discharges into the River Thames at a "10 Footway," opposite to Cow Lane.

Rotherhithe Pier Sewer.

Commences in Trinity Street, at a Point about 400 Feet South of Cow Lane, and proceeds along Trinity Street, and discharges into the River Thames at Rotherhithe Boat Pier.

Earl Sewer (Main Line).

Commences in Cold Harbour Lane, at a Point about 1,100 Feet North-east of its Junction with Loughborough Road, and proceeds along High Street, Camberwell, Camberwell Road, Boundary Lane, and Eastward along the Boundaries of several Parishes, and discharges into the River Thames on the Boundary between the Counties of Surrey and Kent, near to the Royal Dock Yard, Deptford.

Earl Sewer (Wyndham Road Branch).

Commences on the East Side of Kennington Park, and proceeds along New Row, and Southward on the East of Thomas Street, Eastward along Wyndham Road, and joins the Main Sewer at a Point about 100 Feet South of Southampton Street, Camberwell.

Earl Sewer (White Post Lane Branch).

Commences in Victoria Road, at the Junction with Choumert Place and Cutthroat Lane, near Peckham Rye, and proceeds along Victoria Road, Hanover Street, Rye Lane, High Street, Meeting-house Lane, Halfway House Lane, and White Post Lane, and joins the Main Sewer at the Junction of the Parishes of Rotherhithe, St. Paul's Deptford, and St. Giles Camberwell.

Royal Dock Yard Sewer.

Commences on the East of Black Horse Bridge, and extends Eastward on the South Side of the Mast Pond, and discharges into the River Thames opposite to the Royal Victualling Yard.

Ravensbourne and Sydenham Sewer.

Commences at Bell Green, and extends along and by Catsford Hill Road, Lewisham, and Bromley Road, Silver Street, Loam Pit Vale, and Mill Lane, and discharges into Deptford Creek at Parish Wharf, near Kingsford Mill.

Ravensbourne and Lee Green Sewer.

Commences in the Eltham Road, about 300 Feet East of Lee Green, and proceeds along Lee Road, Lewisham Road, Bath Place, Egerton Road, and North Pole Lane, to a pumping Station, where it

discharges into Deptford Creek, at a Point about 400 Feet North of the London and Greenwich Railway.

Horseferry Road (*Greenwich*).

Commences in Caroline Street and Roan Street, and proceeds along Union and Bridge Streets, and discharges into the River Thames at Horseferry.

SCHEDULE (E.)

Form of Mortgage of Rates.

Mortgage, Number ( )

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of (*as the Case may be*) in consideration of the Sum of paid to by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all [*here describe the Monies or Rates to be mortgaged*], to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the Metropolitan Board of Works, *or* the said District Board, *or* the said Vestry, (*as the Case may be,*) have hereunto set their Seal, this Day of One thousand eight hundred and .

SCHE-

SCHEDULE (F.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of for securing the Sum of and Interest [*or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after* "*Assigns*," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and .

A.B. (L.S.)

Metropolis Local Management.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

For the better Local Management of the Metropolis.

(Prepared and brought in by Sir Benjamin Hall, Sir George Grey, and Sir William Molesworth).

Ordered, by The House of Commons, *to be Printed,* 9 *July* 1855.

[Bill 234.]

Under 16 *oz.*

A

B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Local Management of the Metropolis.

[Note.—In the Bill, *the Words in Italics (except the Headings), and Clauses* A. *to* O., *were inserted, and the Words struck through were omitted, by the Lords.*
In the Schedules, *the Words and Figures in* Antique Type, *were inserted, and the Words and Figures struck through were omitted, by the Lords.*]

WHEREAS it is expedient that Provision should be made for the better Local Management of the Metropolis in respect of the Sewerage and Drainage, and the paving, cleansing, lighting, and Improvements thereof: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Election of Vestries and Auditors in Parishes in Schedules (A.) and (B.)

I. The Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Sixty, "For the better Regulation Repeal of 1 & 2 W. 4. c. 60. as to Parishes in

Schedules (A.) and (B.)

" lation of Vestries, and for the Appointment of Auditors of Accounts " in certain Parishes of England and Wales," shall be repealed, *from and after the passing of this Act*, so far as regards any Parish mentioned in either of the Schedules (A.) and (B.) to this Act: Provided always, that the Vestry and Auditors already elected for any such Parish under the said Act shall continue to be such Vestry and Auditors, ~~subject nevertheless to the Provisions of this Act; and this Act shall be~~ *until the First Election of Vestrymen and Auditors for such Parish under this Act has taken place, but no longer; and the Provisions of the said Act of King William the Fourth shall continue* applicable to every such Vestry and to their Proceedings, and the Books in which the same are entered, and to such Auditors and their Proceedings ~~in lieu of the said Act of King William the Fourth~~ *accordingly*.

Vestries in Parishes in Schedules (A.) and (B.) to consist of not less than 18 or more than 120 Persons qualified and elected as after provided.

II. The Vestry in every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall consist of a certain Number of Persons qualified and elected as herein provided; (that is to say,) Eighteen Vestrymen for every Parish in which the Number of rated Householders shall not exceed One thousand; and Six additional Vestrymen, that is, Twenty-four Vestrymen for every Parish in which the Number of rated Householders shall exceed One thousand; and Twelve additional Vestrymen, that is, Thirty-six Vestrymen, for every Parish in which the Number of rated Householders shall exceed Two thousand; and so on at the Proportion of Twelve additional Vestrymen for every Thousand rated Householders: Provided always, that in no Case the Number of Vestrymen shall exceed One hundred and twenty: Provided also, that the Incumbent and Churchwardens of each such Parish shall constitute a Part of the Vestry, and shall vote therein, in addition to the elected Vestrymen: Provided also, that every District Rector now constituting in any such Parish a Part of the Vestry thereof shall continue to constitute a Part of the Vestry thereof under this Act: *Provided also, that where in any Parish the whole Number of Persons qualified to be Vestrymen shall not amount to Eighteen, the Vestry thereof shall consist of so many Persons as are so qualified, anything in this Act to the contrary notwithstanding.*

Parishes with more than 2,000 rated Householders to be divided into Wards.

III. Each of the said Parishes which at the Time of the passing of this Act contains more than Two thousand rated Householders shall be divided into Wards; and it shall be lawful for such Person or Persons as may be appointed for this Purpose as herein provided to determine and set out, ~~within One Month after the passing of this Act,~~ *on or before the Tenth Day of October next*, the Number, Extent, Limits, and Boundary Lines of such Wards, but so nevertheless

theless that no Ward shall contain less than Five hundred rated Householders, and that the whole Number of Wards in any Parish shall not exceed Eight; and the Person or Persons setting out such Wards in any Parish shall apportion among the several Wards the Number of Vestrymen to be elected for such Parish, and shall, in assigning the Number of Vestrymen to each Ward, have regard, as far as in his or their Judgment it is practicable, as well to the Number of Persons rated to the Relief of the Poor in each Ward as to the aggregate Amount of the Sums at which all such Persons are rated; and the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three; and a Copy of the Particulars of such Division and Apportionment shall be forthwith transmitted to One of Her Majesty's Principal Secretaries of State, and also to the Vestry Clerk of the Parish to which such Division and Apportionment relate; and if Her Majesty, by the Advice of Her Privy Council, approve of such Division and Apportionment, the Particulars thereof shall be published in the London Gazette; and the Parish shall, after such Publication, be deemed to be divided into such Wards so determined and set out, and such Division shall continue and be in force until the same be altered as herein provided; and the Number of Vestrymen assigned to each Ward shall be the Number to be elected for such Ward until altered as aforesaid: Provided always, that if Her Majesty by Advice of Her Privy Council, do not approve such Division and Apportionment, such Publication as aforesaid shall nevertheless be made, and such Division and Apportionment be in force for the Purpose of any Election under the Provisions of this Act, until such Time as Her Majesty, by Advice of Her Privy Council, upon further Information and Report from any such Person or Persons, definitively approve the Division of such Parish into Wards, and of the Number of Vestrymen assigned to each Ward in manner hereinbefore mentioned: Provided also, that where any Parish is already divided into Wards under any Local Act such Parish shall be deemed to be divided into such Wards for the Purposes of this Act, without any Division of such Parish into Wards being made as herein-before provided, but the Number of Vestrymen to be elected for such Parish shall be apportioned as aforesaid among the Wards of such Parish by such Person or Persons as may be appointed for that Purpose as herein provided.

Secretary of State to appoint Persons to set out the Wards.

IV. One of Her Majesty's Principal Secretaries of State shall, as soon as conveniently may be after the passing of this Act, appoint ~~One or more~~ *not more than Four* fit ~~Person or~~ Persons, *the Names of such Persons to be published in the London Gazette*, to set out the Wards into which the said Parishes are by this Act directed to be divided, and to apportion the Number of Vestrymen to be elected for such

such Parishes respectively among such Wards, and also to apportion the Number of Vestrymen to be elected for any Parish already divided into Wards as aforesaid among such Wards; *and any One or more of such Persons may be appointed to act as aforesaid separately from any other or others of them as such Secretary of State may see fit;* and such Secretary of State shall, in case Circumstances appear to him so to require, appoint any other fit Person or Persons in the Place of or in addition to any such Person or Persons originally appointed under this Provision; and every Person appointed to set out such Wards shall be paid at ~~the~~ *a* Rate *not exceeding the Sum* of Five Guineas for every Day that he is employed by virtue of such Appointment, and the Amount payable to him in respect of such Employment *in each Parish* shall be ~~ascertained~~ *determined* and certified by the Commissioners of Her Majesty's Treasury, and the Amount so certified shall be paid out of the Poor Rates of the Parish.

In case the relative Amounts of Population of Wards vary in any future Census, Numbers of Vestrymen assigned to the several Wards may be altered.

V. When at any Time, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the inhabited Houses in the several Wards of any Parish divided into Wards as aforesaid are found to have varied from those shown by the last previous Census, it shall be lawful for the Metropolitan Board of Works, upon the Application of the Vestry or any Ratepayers of such Parish, to alter the Number of Vestrymen assigned to such Wards or any of them, but so that the Number of Vestrymen assigned to each Ward shall be a Number divisible by Three.

Qualification of Vestrymen.

VI. The Vestry elected under this Act in any Parish shall consist of Persons rated or assessed to the Relief of the Poor upon a Rental of not less than Forty Pounds per Annum; and no Person shall be capable of acting or being elected as One of such Vestry for any Parish unless he be the Occupier of a House, Lands, Tenements, or Hereditaments *in such Parish, and be* rated or assessed as aforesaid upon such Rental as aforesaid within such Parish: Provided always, that in any Parish in which the Number of Poor Rate Assessments at Forty Pounds or upwards does not exceed One Sixth of the whole Number of such Assessments it shall not be necessary, in order to qualify a Person to be a Vestryman, that the Amount of Rental upon which he is rated or assessed as aforesaid exceed Twenty-five Pounds: Provided also, that the joint Occupation of any such Premises as aforesaid, and a joint Rating in respect thereof, shall be sufficient to qualify each joint Occupier in case the Amount of Rental on which all such Occupiers are jointly rated will, when divided by the Number of Occupiers, give for each such Occupier a Sum not less than the Amount herein-before required.

VII. The

First Election of Vestrymen under this Act.

VII. The First Election of Vestrymen *under this Act* in ~~any such~~ *every* Parish ~~in which the said Act of the Session holden in the First and Second Years of King William the Fourth, Chapter Sixty, is not in force at the Time of the passing of this Act,~~ shall be holden in the Month of ~~October~~ *November* next after the passing of this Act, and ~~before~~ *between* the *Fifth and* Twenty-first ~~Day~~ *Days* of that Month, and the Day on which such Election shall commence shall be appointed by the Churchwardens of the Parish, and Twenty-one Days previously to the Day of Election Notice of such Election shall be given in manner hereinafter directed concerning Notice of Election of Vestrymen and Auditors, and the next such Election shall take place on such Day in the Month of May in the Year One thousand eight hundred and fifty-seven as the Vestry shall appoint, and every subsequent Election shall take place annually in the Month of May in every Year as the Vestry appoint.

The full Number of Vestrymen to be chosen at First Election, and existing Vestries superseded.

VIII. At the First such Election of Vestrymen as aforesaid for any Parish ~~which the said Act of King William the Fourth is not in force as aforesaid~~ the full Number of Elective Vestrymen of which such Vestry is to consist as herein-before mentioned shall be elected, and such Vestrymen, with such other Persons as herein-before mentioned, shall forthwith be deemed to constitute the Vestry of such Parish, and shall supersede any existing Vestry therein, *and exercise the Powers and Privileges held by such existing Vestry save as in this Act otherwise provided; and the Authority of such Vestry may be pleaded before any Justice or Justices of the Peace or in any Court of Law in regard to all Parochial Property or Monies due, or Holdings or Contracts, or other Documents of the like Nature, under the Control or in the Keeping of such existing Vestry; and all Parish Officers or Boards shall account to them in like Manner as they are by Law liable to account to such existing Vestry.*

Term of Office of elected Vestrymen.

IX. One Third of the Vestrymen first elected under this Act in any Parish ~~in which the said Act of King William the Fourth is not in force as aforesaid,~~ or, where such Parish is divided into Wards under this Act, in each Ward of such Parish, shall go out of Office at the Time appointed for the Election of Vestrymen in the Year One thousand eight hundred and fifty-seven, One other Third of them at the Time appointed for such Election in the Year One thousand eight hundred and fifty-eight, and the remaining Third at the Time appointed for such Election in the Year One thousand eight hundred and fifty-nine; and the Vestry shall, at some Meeting before the Time of the Election in One thousand eight hundred and fifty-seven, determine by Lot which of the Members first elected shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively;

respectively; and all Members from Time to Time elected at the annual Elections after the First Election shall go out of Office at the Time appointed for the annual Election in the Third following Year, *except such Members as are elected to supply Vacancies occasioned otherwise than by Effluxion of Time; and such last-mentioned Members shall go out of Office at the respective Times when the Terms of Office of the Members in whose Places they are respectively elected would have expired by Effluxion of Time.*

~~X. In any of the said Parishes in which the said Act of King William the Fourth is in force as aforesaid the First Election of Vestrymen under this Act shall take place in the Month of May next after the passing of this Act, and shall commence on such Day as the Vestry appoint; and at such Election, and at every subsequent annual Election, those Vestrymen who have been Three Years in Office shall go out of Office.~~

Vacancies to be filled up at annual Elections.

XI. At every Election of Vestrymen under this Act ~~for any Parish, or any Ward of any Parish, in which the said Act of King William the Fourth is in force as aforesaid, and at every such Election under this Act,~~ except the First, for any Parish or any Ward of any Parish ~~in which the said Act of King William the Fourth is not in force as aforesaid,~~ the Parishioners of such Parish entitled to vote in such Election shall elect as many Vestrymen as there are Vacancies in the Vestry, or among the Vestrymen elected for such Ward, whether such Vacancies be occasioned by the Expiration of the Term of Office, or by Death or otherwise; ~~and where any such first mentioned Parish is divided into Wards there shall be elected for each Ward in the Years One thousand eight hundred and fifty six, One thousand eight hundred and fifty seven, and One thousand eight hundred and fifty eight respectively, so many Vestrymen as upon a Division of the Number of Vacancies in the Vestry among the several Wards in proportion to the whole Number of Vestrymen assigned to such Ward under this Act will fall to such Ward, and it shall not be necessary to fill up such Vacancies otherwise than to the Extent to which the same are so divisible.~~

Auditors of Accounts to be chosen.

XII. For every Parish mentioned in either of the Schedules (A.) and (B.) to this Act, there shall be elected such Number as herein-after mentioned of the Ratepayers of the Parish who have signified in Writing their Assent to serve, to be Auditors of Accounts, which Auditors shall be so elected at the same Times and in the same Manner as Members of the Vestry; and the Number of Ratepayers so to be elected Auditors in any Parish not divided into Wards under this Act shall be Five, and the Number of Ratepayers so to be elected Auditors in any Parish which is divided into Wards shall be the same as the Number of Wards, One Auditor being elected in each Ward: Provided always, ~~that where the Number of Wards into which any Parish~~

~~is~~

~~is divided exceeds Five, the Vestry of such Parish shall at their First Meeting after the Election of Auditors as aforesaid, in any Year, elect by Ballot from among such Auditors Five of them, and the Five Persons so elected by Ballot shall be the Auditors for such Parish exclusively of any other Person or Persons who may have been elected an Auditor or Auditors for such Parish under the Provisions herein contained; and a List of the Five Persons so elected by the Vestry shall be forthwith published by the Churchwardens in the Parish as herein provided: Provided also,~~ that no Person shall be eligible to fill the Office of Auditor of Accounts who is not qualified to fill the Office of Vestryman for the Parish; but no Person shall be eligible to fill the Office of Auditor who is a Member of the Vestry; and if any Person be chosen to be both a Member of the Vestry and Auditor of Accounts he shall be incapable of acting as a Vestryman.

Term of Office of Auditors.

XIII. The Auditors first elected under this Act in any Parish as aforesaid shall go out of Office at the Time appointed for the Election of Vestrymen and Auditors in the Year One thousand eight hundred and fifty-seven, and the Auditors then elected and to be thereafter elected shall go out of Office at the Election of Vestrymen and Auditors in the Year next following their Election; ~~and the Auditors elected before the passing of this Act in any such Parish as aforesaid in which the said Act of King William the Fourth is in force as aforesaid shall go out of Office at the Time appointed for the First Election of Auditors under this Act in such Parish.~~

Notice of Elections.

XIV. The Churchwardens of every Parish mentioned in either of the said Schedules (A.) and (B.), which is not divided into Wards, shall, on some Sunday at least Twenty-one Days previously to the Day of annual Election of Vestrymen, cause to be published in such Parish as herein provided a Notice according to the following Form:

'Parish of [here insert Name of Parish].

'The Parishioners duly qualified according to the Provisions of the 'Act of the Session holden in the Eighteenth and Nineteenth Years 'of the Reign of Queen Victoria, ntituled "An Act," [here insert 'the Title of the Act], are hereby required to meet at 'on the Day of conformably to the Provisions of the 'said Act, and then and there to consider of and elect fit and proper 'Persons to be Vestrymen and Auditors of Accounts of the Parish 'of for the ensuing Year [the Words "for the ensuing 'Year" to be omitted in the Notice of the First Election; ~~in Parishes in which the Act 1 & 2 Wm. 4. c. 60. is not in force at the passing of this Act~~]; that is to say,

'Members of the Vestry,
'Auditors of Accounts.'

And the Churchwardens of every such Parish as aforesaid which is divided into Wards shall at the Time aforesaid cause to be published as herein provided, in each Ward of the Parish, a Notice according to the following Form:

'Parish of , Ward of [inserting the Parish 'and Ward].

'The Parishioners duly qualified according to the Provisions of 'the Act of Parliament of the Session holden in the Eighteenth and 'Nineteenth Years of the Reign of Queen Victoria, intituled "An 'Act" [here insert the Title of this Act], are hereby required to 'meet at on the Day of , 'conformably to the Provisions of the said Act, and then and there 'to consider of and elect fit and proper Persons to be 'Vestrymen and an Auditor of Accounts of the Parish of 'for the Ward of for the ensuing Year [the Words '"for the ensuing Year" to be omitted in the Notice of the First 'Election ~~in Parishes in which the Act 1 & 2 Wm. 4. c. 60. is not in force 'at the passing of this Act~~].'

Churchwardens to appoint Persons to preside at Ward Elections.

XV. Where any Parish is divided into Wards, the Churchwardens, Three clear Days at least before the Day of Election, shall appoint in Writing under their Hands a Person to preside at such Election as aforesaid in each of the said Wards, except any Ward in which One of the Churchwardens shall preside, and notify such Appointment to the Vestry Clerk of the Parish.

Rate Collectors to assist at the Elections.

XVI. The Rate Collectors, or Persons appointed by them, shall attend the Churchwardens and Persons presiding at Elections under this Act, and Inspectors of Votes, to assist in ascertaining that the Persons presenting themselves to vote are Parishioners rated to the Relief of the Poor in the Parish, or the respective Wards thereof, and duly qualified to vote at the Election.

Form of Proceeding at Elections.

XVII. On the Day of Election of Vestrymen and Auditors in any Parish under this Act the Parishioners then rated to the Relief of the Poor in the Parish, or, where the Parish is divided into Wards under this Act, in the Ward thereof for which the Election is holden, and who are desirous of voting, shall meet at the Place appointed for such Election, and shall then and there nominate Two Ratepayers of the Parish, or (if the Parish be divided into Wards) of the Ward for which the Election is holden, as fit and proper Persons to be Inspectors of Votes; and the Churchwardens, or, in the Case of a Ward Election, such One of the Churchwardens as is present thereat, or, where One of the Churchwardens is not present, the Person appointed by them to preside thereat shall, immediately after such Nomination as aforesaid by

by the Parishioners, nominate Two other such Ratepayers to be such Inspectors; and after such Nominations the said Parishioners shall elect such Persons duly qualified as may be there proposed for the Offices of Vestrymen and Auditors or Auditor; and the Chairman at such Meeting shall declare the Names of the Parishioners who have been elected by a Majority of Votes at such Meeting: Provided nevertheless, that no Person shall be entitled to join or vote in any such Election for any Parish, or any Ward of any Parish, or be deemed a Ratepayer thereof, or be entitled to do any Act as such under this Act, unless he have been rated in such Parish to the Relief of the Poor for One Year next before the Election, and have paid all Parochial Rates, Taxes, and Assessments due from him at the Time of so voting or acting, except such as have been made or become due within Six Months immediately preceding such voting or acting.

A Ballot may be demanded.

XVIII. Provided always, That any Five Ratepayers may then and there, in Writing or otherwise, demand a Poll, which shall be taken by Ballot on the Day next following, and shall commence at Eight of the Clock in the Forenoon and close at such Hour as herein-after mentioned; that is to say, at Six of the Clock in the Afternoon in the Case of any Election to be holden in October One thousand eight hundred and fifty-five, and at Eight of the Clock in the Afternoon in all other Cases; each Ratepayer depositing as herein-after provided Two folded Papers, One of which Papers shall contain the Names of the Persons for whom such Parishioner may vote as fit and proper to be Members of the Vestry, and the other shall contain the Names or Name of the Persons or Person for whom such Parishioner may vote as fit and proper to be Auditors or Auditor of Accounts; and each Ratepayer shall have One Vote and no more for the Members of the Vestry, and One Vote and no more for the Auditors or Auditor of Accounts to be chosen in the said Parish or Ward.

Duty of Inspectors of Votes.

XIX. The Persons voting shall deposit such folded Papers in Two separate Sets of Balloting Glasses or Boxes, One Set for Voting Papers for Members of Vestry, and another Set for the Voting Papers for Auditors or an Auditor; and the said Balloting Glasses or Boxes shall be closed at the Time herein-before fixed for the closing of the Poll; and the Inspectors for the Parish or Ward (as the Case may be) shall forthwith meet together, and proceed to examine the said Votes, and if necessary shall continue the Examination by Adjournments from Day to Day, not exceeding Two Days (Sunday excepted), until they have decided upon the Persons duly qualified according to the Provisions of this Act who may have been chosen to fill the aforesaid Offices.

Provision for Case of Equality of Votes.

XX. In case an Equality of Votes appear to the aforesaid Inspectors to be given for any Two or more Persons to fill either of the said Offices, the Inspectors shall decide by Lot upon the Person to be chosen.

If Vestry of any Parish be reduced below Two Thirds, Vacancies to be filled up.

XXI. If in the Interval between any Election under this Act of Vestrymen in any Parish and the Time at which the next Election would in the Absence of this Enactment have taken place the Number of such Vestrymen be reduced below Two Thirds of the full Number, so many Vestrymen as may be requisite for filling up such Number shall be forthwith elected in like Manner as in the Case of the annual Election of such Vestrymen, and the Provisions of this Act shall be applicable in the Case of such Election accordingly, save that the Notice of Election shall be varied from the Form prescribed by this Act so far as may be necessary, and where such Parish is divided into Wards under this Act each Ward shall supply the Vacancies among the Members elected for the same; and ~~in case any of the Members whose Offices have become vacant were elected before the Division of such Parish into Wards, the Number of Members to be elected to supply such last-mentioned Vacancies shall be divided among the several Wards in proportion to the whole Number of Vestrymen assigned to each Ward; and it shall not be necessary to fill up the same otherwise than to the Extent to which the same are so divisible~~, *every Vestryman elected under this Enactment shall go out of Office at the Time when the Term of Office of the Person in whose Place he is elected would have expired by Effluxion of Time.*

Penalty for forging or falsifying any Voting Paper or obstructing the Election.

XXII. If any Person knowingly personate and falsely assume to vote in the Name of any Parishioner entitled to vote in any Election under this Act, or forge or in any way falsify any Name or Writing in any Paper purporting to contain the Vote or Votes of any Parishioner voting in any such Election, or by any Contrivance attempt to obstruct or prevent the Purposes of any such Election, the Person so offending shall, upon Conviction before any Two or more Justices of the Peace having Jurisdiction in the Parish, be liable to a Penalty of not less than Ten and not more than Fifty Pounds, and in default of Payment thereof shall be imprisoned for a Term not exceeding Six nor less than Three Months.

Public Notice to be given of Vestrymen and Auditors chosen by Parishioners.

XXIII. The Inspectors shall, immediately after they have decided upon whom the aforesaid Elections have fallen, deliver to the Churchwardens, or to One of them, or other the Person presiding at the Election, a List of the Persons chosen by the Parishioners to act as Vestrymen and Auditors or an Auditor of Accounts; and the said List,

List, or a Copy thereof, shall be published in the Parish as herein provided.

XXIV. If any Inspector wilfully make or cause to be made an incorrect Return of the said Votes, every such Offender shall, upon Information laid by any Person before Two or more Justices of the Peace having Jurisdiction in the Parish, and upon Conviction for such Offence, be liable to a Penalty of not less than Twenty-five Pounds and not exceeding Fifty Pounds. Penalty on Inspector for making incorrect Return.

XXV. The Vestry of every Parish mentioned in either of the Schedules (A.) and (B.) to this Act shall provide such Places as may be requisite for holding Elections of Vestrymen and Auditors under this Act, and taking the Poll thereat; and the Expenses of providing such Places, of publishing Notices, of taking the Poll, and of making the Return at Elections of Vestrymen and Auditors shall be paid out of the Poor Rates of the Parish by Order of the Vestry: Provided always, that the Places requiring to be provided for the First Election under this Act of Vestrymen and Auditors in any Parish ~~in which the said Act of King William the Fourth is not in force as aforesaid~~ shall be provided by the Churchwardens, and the Expenses of providing the same shall be paid out of the Poor Rates, upon their Order. Vestry to pay Expenses of taking Poll.

XXVI. The Provisions herein-before contained shall, so far as concerns any Parish in either of the said Schedules (A.) and (B.) in which there are no Churchwardens, be construed as referring to the Overseers of the Poor instead of the Churchwardens. Provisions for Places having no Churchwardens.

XXVII. Every Notice and List herein-before required to be published in any Parish or Ward of any Parish shall be so published by being fixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church and Public Chapel in such Parish or Ward, including Places of Public Worship which do not belong to the Established Church, and if there be no such Building as aforesaid, then in some public and conspicuous Situation within such Parish or Ward. How Notices and Lists to be published.

XXVIII. If any Churchwarden, Overseer, Rate Collector, or other Parish Officer refuse or neglect to call any Meeting, or give any Notice, or do any other Act required of him under the Provisions of this Act, he shall be deemed guilty of a Misdemeanor. Churchwardens and other Parish Officers not complying with Act, guilty of Misdemeanor.

XXIX. All Powers or Duties to be performed by the Vestry of any Parish under this Act may be exercised and performed respectively Quorum of Vestries.

by the major Part of such Vestry assembled at any Meeting, there being not less than Five Vestrymen present at a Meeting of a Vestry which consists of Eighteen elected Vestrymen and no more, and not being less than Seven Vestrymen present at a Meeting of a Vestry which consists of Twenty-four elected Vestrymen and no more, and not being less than Nine Vestrymen present at a Meeting of a Vestry which consists of Thirty-six elected Vestrymen or upwards; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Vestrymen present, and the Vestry may act notwithstanding any Vacancies therein.

Meetings not to be holden in the Church.

XXX. In any Case in which the Vestry-room of any such Parish as aforesaid is not sufficiently large and commodious for any Vestry Meeting, such Meeting shall be held elsewhere within the said Parish, but not in the Church or Chapel thereof.

Meeting to elect a Chairman.

XXXI. At every Meeting of any Vestry under this Act, in the Absence of the Persons authorized by Law or Custom to take the Chair, the Members present shall elect a Chairman for the Occasion before proceeding to other Business, *and the Chairman, in case of an Equality of Votes on any Question, shall have a Second or Casting Vote.*

Formation of Parishes into Districts, and Constitution of District Boards.

Parishes in Schedule (B.) to be united, and form Districts, and District Boards constituted.

XXXII. For the Purposes of this Act the several Parishes mentioned in *the Second Column of* Schedule (B.) to this Act shall be united, and form the respective Districts mentioned in conjunction therewith and named in the First Column of the same Schedule; and there shall be a Board of Works for each such District, composed of the Members elected as herein-after mentioned for the Parishes forming such District.

Vestries to elect Members of District Boards.

XXXIII. The Vestry ~~of~~ *constituted by this Act in* every Parish in any such District shall on the ~~First~~ *Twenty-eighth* Day of November in the Year One thousand eight hundred and fifty-five elect the Number of Persons mentioned in the Third Column of the said Schedule (B.) in conjunction with such Parish to be a Member or Members of the Board of Works for such District.

In case the relative Numbers of inhabited Houses in Parishes

XXXIV. When at any Time hereafter, upon any Account taken of the Population by the Authority of Parliament, the relative Numbers of the inhabited Houses in the several Parishes forming any such District are found to have varied from those shown by the last previous

previous Census, it shall be lawful for the Metropolitan Board of Works constituted by this Act, upon the Application of the Vestry or any Ratepayers of any such Parish, to alter the Number of the Members of the Board of Works for such District to be elected for all or any of the Parishes therein; but so that the Number of Members to be elected for any such Parish, if exceeding Three, shall be a Number divisible by Three.

in any District vary on any future Census, Numbers of Members to be returned to District Board may be altered.

XXXV. One Third of the Members of any such Board first elected for any Parish for which Three or more such Members are by this Act appointed to be elected shall go out of Office at the Time hereinafter appointed for the Election of Members of such Board in the Year One thousand eight hundred and fifty-seven, One other Third of them at the Time appointed for such Election in One thousand eight hundred and fifty-eight, and the remaining Third at the Time appointed for such Election in the Year One thousand eight hundred and fifty-nine; and the Vestry shall at the Time of the First Election under this Act of such Members determine by Lot which of the Members first elected shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members elected to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office at the Election of Members of such Board in the Third following Year.

Term of Office of Members of District Boards.

XXXVI. The Vestry of every such Parish shall on the First Wednesday in the Month of June in the Year One thousand eight hundred and fifty-seven, and in every subsequent Year, elect so many Vestrymen of such Parish to be Members of the Board for the District in which such Parish is comprised as may be necessary for supplying the Vacancies among the Members of such Board elected for such Parish occasioned by Expiration of the Term of Office of the Members going out of Office at the Time of such Election.

Annual Elections to supply Vacancies by Retirement.

XXXVII. The Members of any such Board first elected for Parishes for which less than Three Members are by this Act appointed to be elected shall go out of Office on the said First Wednesday in June One thousand eight hundred and fifty-nine, and Members subsequently elected for such Parishes to supply Vacancies occasioned by Members going out of Office at the Expiration of their Term of Office shall go out of Office on the First Wednesday in June, in the Third Year following their Election; and the Vestries of such Parishes shall on the said First Wednesday in June in the Year One thousand eight hundred and fifty-nine, and in every Third following

Provision as to Parishes not electing as many as Three Members of a District Board.

following Year, elect Members in the Place of the Members then going out of Office.

Provision as to casual Vacancies.

XXXVIII. When any Member of any District Board dies, resigns, or ceases to be such Member, otherwise than by the Expiration of his Term of Office, the Vestry of the Parish for which he was elected shall with all convenient Speed elect a Person to be a Member of such Board in his Place; and every Member of any such Board elected to supply any such Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time.

Powers of District Boards to be exercised at Meetings, there being not less than Seven Members present.

XXXIX. All Powers and Duties vested in the Board of Works for any District may be exercised or performed at any Meeting of such Board holden under this Act, there being not less than Seven Members of the Board present; and at every such Meeting all Questions shall be decided by the Votes of the Majority of the Members present; and the Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board, in pursuance of this Act.

Ordinary Meetings of District Boards.

XL. The First Meeting of the Board of Works for any District shall be holden on the Wednesday in the Week next following the Election of such Board, at Ten o'Clock in the Forenoon, at the Place at which the Vestry of the Parish in such District first named in Schedule (B.) to this Act usually meet; and every subsequent Ordinary Meeting shall be holden on and at such Day, Time, and Place as the Board may from Time to Time appoint in this Behalf, subject, nevertheless, to the Provision herein-after contained, appointing the Day on which Meetings shall be holden for the First Election of the Metropolitan Board of Works.

Special Meetings of District Boards.

XLI. A Special Meeting of any such Board may be convened by any Five Members of the Board, or by the Clerk of the Board, upon the Requisition in Writing of Five Members of the Board, by a Notice to the several Members thereof Forty-eight Hours at least before the Time of meeting, such Notice to be signed by the Members or Clerk convening the Meeting, and to specify the Object thereof.

Chairman to be elected at Meeting of Board.

XLII. Every such Board shall at every Meeting of such Board, before proceeding to Business, elect a Chairman of such Meeting, and such Chairman, in case of an Equality of Votes on any Question, shall have a Second or Casting Vote.

Interpretation

Incorporation of Vestries and District Boards.

District Boards and Vestries of Parishes in Schedule (A.) incorporated.

XLIII. The Board to be constituted as aforesaid for every such District shall be a Body Corporate by the Name of "The Board of Works for the District," and the Vestry of every Parish mentioned in Schedule (A.) to this Act shall be a Body Corporate by the Name of "The Vestry of the Parish of in the County of ," and every such Board and Vestry shall by such Name respectively have perpetual Succession and a Common Seal, and shall sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Constitution and Incorporation of Metropolitan Board of Works.

Metropolitan Board of Works constituted and incorporated.

XLIV. A Board, to be called "The Metropolitan Board of Works," shall be constituted as herein-after mentioned, and such Board shall by such Name be a Body Corporate, and have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority (without any Licence in Mortmain) to take, purchase, and hold Land for the Purposes of this Act.

Three Members of Metropolitan Board to be elected for the City.

XLV. The Mayor, Aldermen, and Commons of the City of London, in Common Council assembled, shall on the Twelfth Day of ~~November~~ *December* One thousand eight hundred and fifty-five elect Three Persons to be, *together with the Lord Mayor for the Time being*, Members of the said Metropolitan Board, and shall, when any Member of such Board elected by the said Mayor, Aldermen, and Commons dies, resigns, or otherwise ceases to be such Member, elect some Person in his Place.

Vestries of single Parishes and District Boards to elect Members of the Metropolitan Board.

XLVI. The Vestry of each of the Parishes mentioned in the First Part of the said Schedule (A.) shall, at a Meeting of such Vestry to be holden on the Twelfth Day of ~~November~~ *December* One thousand eight hundred and fifty-five, elect Two Persons to be Members of the said Metropolitan Board of Works; and the Vestry of each of the Parishes mentioned in the Second Part of the said Schedule (A.), *except the Parish of Rotherhithe*, and the Board of Works for each of the Districts mentioned in the First Part of the said Schedule (B.), shall, at a Meeting of such Vestry and Board respectively to be holden on the last-mentioned Day, elect One Person to be a Member of the said Metropolitan Board; and every such Vestry and Board shall, when any Member of such Metropolitan Board, elected by such Vestry or Board, dies, resigns, or otherwise ceases to be such Member, elect a Person to be a Member of the said Metropolitan

politan Board in the Place of the Member so dying, resigning, o otherwise ceasing to be such Member.

~~XLVII. The Districts of Saint Saviour's and Saint Olave, mentioned in the Second Part of the said Schedule (B.), shall be united for the Purpose of electing from Time to Time a Member of the said Metropolitan Board of Works, and the Districts of Plumstead and Lewisham, also mentioned in the Second Part of such Schedule, shall also be united for the Purpose of electing from Time to Time a Member of such Board; and the Boards of Works of the Districts of Saint Saviour's and Saint Olave shall, at a joint Meeting of the said Boards to be holden on the said Twelfth Day of November One thousand eight hundred and fifty five, at the Place of Meeting of the Board of Works for the District of Saint Saviour's, elect a Person to be a Member of the said Metropolitan Board, and the Boards of Works for the Districts of Plumstead and Lewisham shall, at a joint Meeting of such Boards to be holden at the Place of Meeting of the Board of Works for the District of Plumstead, elect a Person to be a Member of the said Metropolitan Board; and when any Member of the said Metropolitan Board elected by the Boards of Works for the united Districts of Saint Saviour's and Saint Olave, or for the united Districts of Plumstead and Lewisham, dies, resigns, or otherwise ceases to be such Member, the Boards of Works by which such Member was elected shall, at a joint Meeting of such Boards to be holden at the Place aforesaid, elect some Person in his Place; and such Meetings shall be convened as follows; that is to say, the Clerk of the Board of Works for the District of Saint Saviour's shall communicate with the Clerk of the Board of Works for the District of Saint Olave, and arrange with him the Time of such Meeting of the Boards of Works for such Districts, and the Clerk of the Board of Works for the District of Plumstead shall communicate with the Clerk of the Board of Works for the District of Lewisham, and arrange with him the Time of such Meeting of the Boards of Works for such Districts, and when such Arrangement has been made, Notice of the Time, Place, and Object of such Meeting shall be given by such Clerks respectively in manner required for Notices of Special Meetings of the Boards for such Districts; and every Election to be made as aforesaid by the said Boards for any united Districts shall be determined by the Votes of the Majority of the Members thereof present at the Meeting; and such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.~~

Term of Office of elected Members of Metropolitan Board

XLVIII. One Third of the Members first elected as aforesaid of the Metropolitan Board of Works shall go out of Office on the Second Wednesday in June One thousand eight hundred and fifty-seven, One other Third of them on the Second Wednesday in June One thousand

thousand eight hundred and fifty-eight, and the remaining Third on the Second Wednesday in June One thousand eight hundred and fifty-nine; and such first elected Members shall determine by Lot among themselves which of them shall constitute the One Third to go out of Office in the Years One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-eight respectively; and all Members of the said Board elected to supply any Vacancy occasioned by any Member's going out of Office by the Expiration of his Term of Office shall go out of Office on the Second Wednesday in June in the Third Year next following the Year of his Election; and every Member of the said Board elected to supply any other Vacancy shall go out of Office when the Term of Office of the Member in whose Place he is elected would have expired by Effluxion of Time.

Added by the Lords.

CLAUSE A. Boards for Districts of Plumstead and Lewisham united for electing a Member of Metropolitan Board.

The Districts of Plumstead and Lewisham, mentioned in the Second Part of the said Schedule (B.), shall be united for the Purpose of electing from Time to Time a Member of the Metropolitan Board of Works; and the Boards of Works for such Districts shall, at a joint Meeting of such Boards, to be holden on the said Twelfth Day of December One thousand eight hundred and fifty-five, at the Place of Meeting of the Board of Works for the District of Plumstead, elect a Person to be a Member of the said Metropolitan Board; and when any Member of such Board elected by the Boards of Works for the said united Districts dies, resigns, or otherwise ceases to be such Member, such Boards of Works shall, at a joint Meeting of such Boards to be holden at the Place aforesaid, elect some Person in his Stead; and such Meeting shall be convened as follows; that is to say, the Clerk of the Board of Works for the District of Plumstead shall communicate with the Clerk of the Board of Works for the District of Lewisham, and arrange with him the Time of such Meeting of the Boards of Works for such Districts; and when such Arrangement has been made, Notice of the Time, Place, and Object of such Meeting shall be given by such Clerks respectively in manner required for Notices of Special Meetings of the Boards for such Districts; and every Election to be made as aforesaid by the said Boards shall be determined by the Votes of the Majority of the Members thereof present at the Meeting; and every such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.

CLAUSE B. The Parish of Rotherhithe and District of St. Olave

The Parishes of Rotherhithe, Saint John Horsleydown, Saint Olave, and Saint Thomas Southwark shall be united for the Purpose of electing from Time to Time a Member of the Metropolitan

united for electing a Member of the Metropolitan Board of Works.

politan Board of Works; and the Vestries of such several Parishes shall, at a joint Meeting of such Vestries to be holden on the said Twelfth Day of December One thousand eight hundred and fifty-five, at the Place of Meeting of the Vestry of the Parish of Saint Olave, elect a Person to be a Member of the said Metropolitan Board; and when any Member of the said Board elected by such Vestries dies, resigns, or otherwise ceases to be such Member, such Vestries shall, at a joint Meeting of such Vestries to be holden at the Place aforesaid, elect some Person in his Stead; and such Meeting shall be convened as follows; that is to say, the Vestry Clerk of the Parish of Saint Olave shall communicate with the Vestry Clerks of the said other Parishes, and arrange with them the Time of such Meeting; and when such Arrangement has been made, Notice of the Time, Place, and Object of such Meeting shall be given by the respective Vestry Clerks of all the said Parishes in manner required for Notices of Vestry Meetings; and every Election to be made as aforesaid by the said Vestries jointly shall be determined by the Votes of the Majority of the Members thereof present at the Meeting; and every such Meeting shall, before proceeding to the Election, choose a Chairman, who shall preside thereat, and shall, in case of an Equality of Votes for Two or more Persons, have a Second or Casting Vote.

Added by the Lords.

Elected Members of Metropolitan Board to nominate Three Persons to Secretary of State for the Purpose of his selecting One of them.

XLIX. The Members first elected of the Metropolitan Board of Works shall meet at such Time and Place as One of Her Majesty's Principal Secretaries of State shall by Notice in the London Gazette appoint in this Behalf, and shall at such Meeting, or some Meeting to be holden by Adjournment thereof (which it shall be competent for the Members present to appoint), ~~elect a~~ *select Three Persons for Nomination to such Secretary of State as fit Persons for the Office of* Chairman of the said Board, and shall also decide upon the Amount of Salary to be paid to such Chairman, such Salary not to be less than One thousand five hundred Pounds and not to exceed Two thousand Pounds per Annum; and such Members, before proceeding at any such Meeting to such Election, or to determine the Amount of such Salary, shall choose from among the Members present a Chairman of such Meeting, and such Election ~~of the future Chairman of the Board~~ shall be determined by the Votes of the Majority of the Members present, and in case of an Equality of Votes the Chairman ~~of the Meeting~~ shall have a Second or Casting Vote; and any Person ~~may be elected~~ *shall be eligible for Nomination* as aforesaid, whether he be or be not a Member of the said Board; and ~~such Chairman shall be subject to be removed by a Resolution agreed to by Two Thirds of the Members present at any Meeting specially convened for considering the Question of such Removal; and in case any elected Member of the said Metropolitan~~

~~Metropolitan Board be appointed Chairman thereof, he shall thenceforth be a Member thereof by virtue only of his Office of Chairman, and his Place as an elected Member shall become vacant, and another shall be elected in his Stead~~; *the Names of the Persons so selected for Nomination as aforesaid, together with the Amount of Salary so fixed, shall be certified to the said Secretary of State by the Chairman of the Meeting under his Hand.*

Added by the Lords.

Clause C. Secretary of State to return the Name of One of such Persons as Chairman.

The said Secretary of State shall, in Writing under his Hand, return to the Chairman of the said Meeting the Name of One of the Persons so nominated to him as aforesaid, and the Person whose Name is so returned shall be Chairman of the Metropolitan Board of Works, at the Salary so fixed as aforesaid; and such Chairman shall hold his Office during good Behaviour, but shall be subject to be removed by such Secretary of State, upon a Representation agreed to by Two Thirds of the Members present at any Meeting specially convened for considering the Question of such Removal; and in case any elected Member of the said Metropolitan Board be appointed Chairman thereof, he shall thenceforth be a Member thereof by virtue only of his Office of Chairman, and his Place as an elected Member shall become vacant, and another shall be elected in his Stead.

Appointment of Chairman on any Vacancy.

L. Upon every Vacancy in the Office of Chairman of the said Metropolitan Board a new Chairman shall be appointed, and his Salary fixed, in manner herein-before mentioned, save that the ~~Appointment of such Chairman~~ *Elections of Persons for Nomination to the Secretary of State* may be made at any such Meeting as may be provided in this Behalf by the Regulations for the Time being of the said Metropolitan Board.

Powers of Metropolitan Board to be exercised at Meetings, there being not less than Nine Members present.

LI. All Powers and Duties vested in the Metropolitan Board of Works may be exercised and performed at any Meeting of such Board at which not less than Nine Members of the Board are present; and at every such Meeting all Questions shall be determined by the Votes of the Majority of the Members present; and such Board may act notwithstanding any Vacancies therein, and notwithstanding any Omission to elect any Member or Members of such Board in pursuance of this Act, but such Board shall not be deemed to be constituted until the First ~~Election~~ *Appointment* of a Chairman of such Board under this Act.

Meetings of the Metropolitan Board.

LII. The First Meeting of the said Metropolitan Board shall be holden at such Time and Place as the Chairman may appoint, of which Notice in Writing, signed by such Chairman, shall be given to each

each elected Member of the said Board Two clear Days at the least before the Time of such Meeting; and the said Board may meet at such Times and Places as they may from Time to Time appoint; and a Special Meeting of the said Board may be convened by the Chairman of the said Board, or by the Clerk thereof, upon the Requisition in Writing of the Chairman or any Five Members of the Board, by a Notice to the several Members thereof Two clear Days at the least before the Time of meeting, such Notice to be signed by the Chairman or Clerk convening the Meeting, and to specify the Object thereof.

Chairman to preside at Meetings, during Vacancy of his Office, or in his Absence, a temporary Chairman to be chosen.

LIII. The Chairman of the Metropolitan Board of Works for the Time being elected under this Act shall preside at every Meeting of such Board at which he is present; and in case of a Vacancy in the Office of such Chairman, or in his Absence, some other Member of such Board shall be chosen to preside thereat; and in case there be an equal Number of Votes upon any Question, the Chairman presiding at the Meeting shall have a Second or Casting Vote.

Provisions concerning Constitution, Procedure, and Officers of Metropolitan and District Boards and Vestries.

Disqualifications of Members of Metropolitan Board and District Boards and Vestries of Parishes in Schedule (A.) and (B.) and of Auditors.

LIV. In case any Member of the Metropolitan Board of Works, or of any District Board of Works, or of any Vestry for any Parish mentioned in Schedule (A.) or (B.) to this Act, or any Auditor of the Accounts of any such Board or Vestry be declared bankrupt, or apply to take the Benefit of or become subject to any Act for the Relief of Insolvent Debtors, or compound with his Creditors, or accept or hold any Office under the Board or Vestry of which he is a Member, or of whose Accounts he is Auditor, other than, in the Case of any such Auditor, his Office of Auditor, or in any Manner be concerned or interested in any Contract or Work made with or executed for such Board or Vestry, in every such Case such Person shall cease to be such Member or Auditor as aforesaid: Provided always, that no Person being a Shareholder of any Joint Stock Company shall be disabled from continuing or acting as a Member of any such Board or Vestry by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company; but no such Member shall vote upon any Question in which such Company is interested; and any Person who acts as a Member of any such Board or Vestry, or as Auditor of the Accounts thereof, after ceasing to be such Member or Auditor as aforesaid, or who, being a Shareholder in any Joint Stock Company, votes upon any Question in which such Company is interested, and any Person who acts as a Member of any such Vestry as aforesaid without being qualified

qualified by Rating and Occupation as required by this Act, shall for every such Offence be liable to a Penalty of Fifty Pounds, which may be recovered by any Person who may sue for the same in any of the Superior Courts of Law, with full Costs of Suit: Provided also, that all Acts and Proceedings of any Person ceasing to be such Member or Auditor, or disabled from acting as aforesaid, shall, if done previously to the Recovery of such Penalty, be valid and effectual to all Intents and Purposes whatsoever.

Members of Metropolitan and District Boards, and of Vestries of Parishes in Schedule (A.) or (B.), may resign.

LV. Any Member of the Metropolitan Board of Works, or of any Vestry elected for any Parish mentioned in Schedule (A.) or (B.) to this Act, or of the Board of Works for any District, may at any Time resign his Office, such Resignation of any Member of the Metropolitan Board of Works to be notified in Writing signed by such Member to the Chairman of such Board, and such Resignation of any Vestryman or Member of any such District Board to be notified in Writing signed by such Vestryman or Member to the Churchwardens of the Parish for which he was elected.

Retiring Members of Boards and Vestries may be re-elected.

LVI. Any Member of the Metropolitan Board of Works, or of any District Board of Works, or of any such Vestry, going out of Office, shall, if qualified, be capable of immediate Re-election.

No Resolution of Metropolitan or any District Board, or of any Vestry, to be revoked at a subsequent Meeting, unless under certain Circumstances.

LVII. No Resolution or other Act of the Metropolitan Board of Works, or of the Board of Works for any District, or of any such Vestry shall be revoked or altered at any subsequent Meeting, unless such subsequent Meeting be specially convened for the Purpose, nor unless such Revocation or Alteration be determined upon by a Majority consisting of Two Thirds of the Members of the Board, or of the Vestrymen present at such subsequent Meeting, if the Number of Members or Vestrymen present at such subsequent Meeting be not greater *by One Fifth* than the Number present when such Resolution was made or such Act was done, but if the Number of Members or Vestrymen present at such subsequent Meeting be greater *by One Fifth* than the Number present at such former Meeting, then such Revocation or Alteration may be determined upon by a mere Majority.

Committees may be appointed.

LVIII. It shall be lawful for the Metropolitan Board of Works, and the Board of Works for any District, and any such Vestry respectively, to appoint a Committee or Committees for any Purposes which, in the Discretion of the Board or Vestry, would be better regulated and managed by means of such Committee, and at any Meeting to continue, alter, or discontinue such Committee: Provided always, that the Acts of every such Committee shall be submitted to the

the general Body of the Board or Vestry appointing such Committee for their Approval.

Powers of Committee.

LIX. Every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless Three Members of the Committee are present.

Minutes of Proceedings of Metropolitan and District Boards and of Vestries to be entered.

LX. Entries of all Proceedings of the Metropolitan Board of Works and every such District Board, and of any such Vestry, with the Names of the Members who attend each Meeting, shall be made in Books to be provided and kept for that Purpose, under the Direction of the Board or Vestry, and shall be signed by the Members present, or any Two of them; and all Entries purporting to be so signed shall be received as Evidence, without Proof of any Meeting of the Board or Vestry having been duly convened or held, or of the Presence at any such Meeting of the Persons named in any such Entry as being present thereat, or of such Persons being Members of the Board or Vestry, or of the Signature of any Person by whom any such Entry purports to be signed, all which Matters shall be presumed, until the contrary be proved; and every such Board and Vestry shall provide and keep Books in which shall be entered true and regular Accounts of all Sums of Money received and paid by them or under their Authority, and of all Liabilities incurred by them, and of the several Purposes for which such Sums of Money are received and paid and such Liabilities incurred, and Copies of all Contracts entered into by any such Board or Vestry.

Books to be open to Inspection.

LXI. All such Books shall at all reasonable Times be open to the Examination of every Member of the Board and Vestry respectively to which such Books belong, and of every Owner of Property, Churchwarden, Overseer, and Ratepayer within the Metropolis, as regards Books of the said Metropolitan Board, and of every Owner of Property, Churchwarden, Overseer, and Ratepayer within any District or Parish, as regards Books belonging to the District Board or Vestry thereof (as the Case may be), and of every Creditor on the Rates raised under this Act by any such Board or Vestry respectively, without Fee or Reward, and they respectively may take Copies of or Extracts from such Books or any Part thereof, without paying for the same; and in case the Members of the Board or Vestry, or any of them, or any of the Officers or Servants of the Board or Vestry having the Custody of the said Books, being thereunto reasonably requested, refuse to permit or do not permit any such Owner of Property, Churchwarden, Overseer, Ratepayer, or Creditor to

to examine the same, or take any Copies or Extracts, every such Member, Officer, or Servant so offending shall for every such Offence, upon a summary Conviction thereof before Two Justices, forfeit any Sum not exceeding Ten Pounds.

Metropolitan Board and District Boards and Vestries to appoint Officers.

LXII. The Metropolitan Board of Works, and (subject to the Provisions herein contained) the Board of Works for every District under this Act, and the Vestry of every Parish mentioned in Schedule (A.) to this Act, shall respectively appoint or employ, or continue for the Purposes of this Act, and may remove at pleasure, such Clerks, Treasurers, and Surveyors, and such other Officers and Servants as may be necessary, and may allow to such Clerks, Treasurers, Surveyors, Officers, and Servants respectively such Salaries and Wages as the Board or Vestry may think fit.

Clerk and Treasurer not to be the same Person.

LXIII. No Person holding the Office of Treasurer under the Metropolitan Board, or any District Board or any such Vestry, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Clerk; and neither the Person holding the Office of Clerk, nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or in any Manner assist or officiate in the Office of Treasurer; and every Person offending in any of the Cases specified in this Provision shall forfeit and pay the Sum of One hundred Pounds, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law.

Penalty on Officers, &c. being interested in Contracts or exacting Fees.

LXIV. No Officer or Servant of the Metropolitan Board, or of any District Board or any such Vestry, shall be in anywise concerned or interested in any Contract or Work made with or executed for such Board or Vestry; and if any such Officer or Servant be so concerned or interested, or, under colour of his Office or Employment, exact, take, or accept any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under such Board or Vestry, and shall forfeit and pay the Sum of Fifty Pounds, which may be recovered by any Person, with full Costs of Suit, by Action in any of the Superior Courts of Law; provided that no Person, being a Shareholder of any Joint Stock Company, shall be prevented from being employed as an Officer or Servant by reason of any Contract between such Company and such Board or Vestry, or of any Work executed by such Company.

Officers, &c. intrusted with Money

LXV. Before any Officer or Servant as aforesaid enters upon any Office or Employment under this Act, by reason whereof he will or may

to give Security for duly accounting for the same.

may be intrusted with the Custody or Control of Money, the Board or Vestry shall require and take from him such Security for the faithful Execution of such Office or Employment, and for duly accounting for all Monies which may be intrusted to him by reason thereof, as they may think sufficient; and every such Officer and Servant, as well during his Continuance in Office or Employment as upon his Resignation, Dismissal, or ceasing to hold his Office or Employment, shall respectively, when and in such Manner as shall be required by the Board or Vestry, make out and deliver a true and perfect Account, in Writing signed by him, of all Monies received by him for the Purposes of this Act, and stating how, and to whom, and for what Purpose such Monies have been disposed of, and shall together with such Account deliver the Vouchers or Receipts for all Payments made by him, and pay over to the Treasurer or such Person as the Board or Vestry may appoint all Monies owing by him; and if any such Officer or Servant fail to render such Account, or to produce and deliver up such of the said Vouchers and Receipts as may be in his Possession or Power, or to pay over any such Monies as aforesaid, or if, for the Space of Five Days after being thereunto required, he fail to deliver up to the Board or Vestry, or to such Person as they may appoint, all Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Board or Vestry, then and in every such Case a Justice shall, on Complaint being made to him in that Behalf, summon the Party charged to appear and answer the Complaint before Two Justices, at a Time and Place to be specified in the Summons; and upon the Appearance of the Party charged, or upon Proof that the Summons was personally served upon him or left at his last known Place of Abode in England, and if it appear to the last-mentioned Justices that he has failed to render any such Account, or to produce and deliver up any such Vouchers or Receipts, or any such Books, Papers, Writings, Property, Effects, Matters, or Things as aforesaid, and that he still fails or refuses so to do, it shall be lawful for them, by Warrant under their Hands and Seals, to commit the Offender to Gaol, there to remain, without Bail, until he shall have rendered such Account, and produced and delivered up all such Vouchers, Receipts, Books, Papers, Writings, Property, Effects, Matters, and Things in respect of which the Charge was made; and if it appears that the Party charged has failed to pay over any such Monies as aforesaid, and that he still fails or refuses so to do, it shall be lawful for the last-mentioned Justices, by a like Warrant, to cause the same to be levied by Distress and Sale of his Goods and Chattels, and in default of any sufficient Distress to commit him to Gaol, there to remain, without Bail, for a Period not exceeding Three Months, unless such Monies be sooner paid: Provided always, that if the Complainant, by Deposition on Oath, show to the Satisfaction of

If Officer fail to render Account, &c. Justices may commit Offender to Prison.

any

any Justice that there is probable Cause for believing that the Party charged intends to abscond, it shall be lawful for such Justice, without previous Summons, by Warrant under his Hand and Seal to cause him to be forthwith apprehended; and in such Case the said Party shall, within Twenty-four Hours after Apprehension, be brought before the same or some other Justice, who may order that he be discharged from Custody, if such Justice think that there is no sufficient Ground for Detention, or that he be further detained until he be brought before Two Justices at a Time and Place to be named in the Order, unless Bail to the Satisfaction of the Justice be given for the Appearance of the Party before such Two Justices: Provided also, that no such Proceeding shall be construed to relieve or discharge any Surety of the Offender from any Liability whatsoever.

Metropolitan and District Boards and Vestries of Parishes in Schedule (A.) to provide proper Offices, and daily Attendance to be given.

LXVI. The Metropolitan Board of Works and every such District Board and Vestry respectively shall provide and maintain such Offices within their respective District or Parish as may be necessary for the Purposes of this Act, and shall take care that their Clerk, or some Person duly authorized by them in that Behalf, attends at their Office daily (Sundays, Christmas Day, and Good Friday, and Days appointed for any General Fast or Thanksgiving, alone excepted), for the Purpose of receiving Notices and transacting the ordinary Business of the Board or Vestry under this Act.

Duties and Powers of Vestries and District Boards.

"Vestry" in following Provisions to mean Vestry of a Parish in Schedule (A.)

LXVII. Where in the Provisions herein-after contained any Expression is used referring to the Vestry of a Parish, such Expression shall be construed as referring only to the Vestry of a Parish mentioned in Schedule (A.) to this Act, unless such Construction be repugnant to the Context.

Sewers (except Main Sewers) vested in Vestries and District Boards.

LXVIII. Upon the Commencement of this Act, all Sewers vested in the Metropolitan Commissioners of Sewers which are situate in any Parish mentioned in Schedule (A.) to this Act (except such Sewers as are mentioned in Schedule (D.) to this Act), with the Walls, Defences, Banks, Outlets, Sluices, Flaps, Penstocks, Gullies, Grates, Works, and Things thereunto appertaining, and the Materials thereof, with all Rights of Way and Passage used and enjoyed by such Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Vestry of such Parish; and all Sewers vested in the said Metropolitan Commissioners which are situate within any District mentioned in Schedule (B.) to this Act, except as before excepted, with all such Works and Things as aforesaid appertaining thereto, and all Rights of Way and Passage used and enjoyed by such

Commissioners over or to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall become vested in the Board of Works for such District; and all Sewers made and to be made within any such Parish or District, except Sewers and Works vested or to be vested in the Metropolitan Board of Works, as herein-after mentioned, shall be vested in such Vestry and Board respectively.

Vestries and District Boards to repair, &c. all Sewers vested in them, and from Time to Time to construct new ones, &c.

LXIX. The Vestry of every Parish mentioned in Schedule (A.) to this Act, and the Board of Works for every District mentioned in Schedule (B.) to this Act, shall (subject to the Powers by this Act vested in the Metropolitan Board of Works) from Time to Time repair and maintain the Sewers under this Act vested in them, or such of them as shall not be discontinued, closed up, or destroyed under the Powers herein contained, and shall cause to be made, repaired, and maintained such Sewers and Works, or such Diversions or Alterations of Sewers and Works, as may be necessary for effectually draining their Parish or District, and shall cause all Banks, Wharves, Docks, or Defences abutting on or adjoining any River, Stream, Canal, Pond, or Watercourse in such Parish or District to be raised, strengthened, or altered or repaired, where it may be necessary so to do, for effectually draining, or protecting from Floods or Inundation such Parish or District; and it shall be lawful for any such Vestry or District Board to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, or through or under any Cellar or Vault which may be under the Pavement or Carriageway of any Street, and into, through, or under any Lands whatsoever, making Compensation for any Damage done thereby as herein-after provided; and it shall be lawful for any such Vestry or District Board from Time to Time to enlarge, contract, raise, lower, arch over, or otherwise improve or alter all or any of the Sewers, Watercourses, and Works which shall be from Time to Time vested in them or subject to their Order and Control, and to discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that no new Sewer shall be made without the previous Approval of the Metropolitan Board of Works: Provided also, that the Discontinuance, Closing up, Destruction, or Alteration of any Sewer as aforesaid shall be so done as not to create a Nuisance; and if by reason thereof any Person shall be deprived of the lawful Use of any covered Sewer, it shall be the Duty of the Vestry or District Board to provide some other Sewer or a Drain as effectual for his Use as the Sewer of which he is so deprived: Provided also, that where the Vestry or District Board alter any Sewer, or provide a new Sewer in substitution for a Sewer discontinued, closed up, or destroyed, they may contract

or

or otherwise alter the private Drains communicating with the Sewer so altered, or with the Sewer so discontinued, closed up, or destroyed, or may close up or destroy such private Drains, and provide new Drains in lieu thereof, as the Circumstances of the Sewerage may appear to them to require, but so that in every Case the altered or substituted Drain shall be as effectual for the Use of the Person entitled thereto as the Drain previously used.

Power to Vestries and District Boards to do Works of Improvement in Sewers, &c. the Expense, of which to be divided between the Party liable and the Parish or District.

LXX. Wherever any Party is, by Prescription, by reason of Tenure, or otherwise, liable by Law to maintain or do any Repairs to Sewers, Banks, Watercourses, or Works in any such Parish or District which the Vestry or District Board judge it necessary to alter or improve, it shall be lawful for them to make such Alterations or Improvements therein as they think proper, and to divide the Expense of such Alterations or Improvements between the Party liable to such Maintenance or Repairs and the Parish, District, or Persons who would have been wholly liable to the Expense of such Alterations or Improvements if no Party had been liable as aforesaid, so as to throw on the Party liable to such Maintenance or Repairs such Part of the Expense of Alterations or Improvements as may be equal to what would be incurred for such Maintenance or Repairs, and to throw on the Parish, District, or Persons aforesaid the Residue of such Expense, and to settle and adjust such Proportions either by some general Regulation or by Order in each particular Case, as they may think proper: Provided always, that nothing in this Act contained shall exempt from Liability to do any Works, or to pay the whole Cost thereof, any Person who, by Prescription, by reason of Tenure, or otherwise by Law, is so liable.

Gullyholes, &c. to be trapped.

LXXI. Every District Board and Vestry shall, by providing proper Traps or other Coverings, or by Ventilation, or by such other Ways and Means as shall be practicable for that Purpose, prevent the Effluvia of Sewers from exhaling through Gullyholes, Gratings, or other Openings of Sewers in any of the Streets or other Places within their District or Parish.

Vestries and District Boards to cause Sewers, &c. to be cleansed, and prevent them from being a Nuisance.

LXXII. Every Vestry and District Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary.

Vestry or District Board in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

LXXIII. If any House or Building, whether built before or after the Commencement of this Act, situate within any such Parish or District, be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Vestry or Board of such Parish or District, and if a Sewer of sufficient Size be within One hundred Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Vestry or Board, *at their Discretion*, by Notice in Writing, to require the Owner of such House or Building forthwith, or within such reasonable Time as may be appointed by the Vestry or Board, to construct and make from such House or Building into any such Sewer a covered Drain, *and such Branches thereto*, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building, *and its several Floors or Stories*, and also, ~~if practicable,~~ of its Areas, Waterclosets, Privies, and Offices, (if any,) and ~~to carry and to convey~~ *for conveying* the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide ~~a~~ fit and proper ~~Trap affixed to the Mouth of such Drain, to the Satisfaction of the Vestry or Board~~; *paved or impermeable sloped Surfaces for conveying Surface Water thereto, and fit and proper Sinks, and fit and proper syphoned or otherwise trapped Inlets and Outlets for hindering Stench therefrom, and fit and proper Water Supply and Water supplying Pipes, Cisterns, and Apparatus for scouring the same, and for causing the same to convey away the Soil, and fit and proper Sand Traps, expanding Inlets, and other Apparatus for hindering the Entry of improper Substances therein, and all other such fit and proper Works and Arrangements as may appear to the Vestry or Board, or to their Officers, requisite to secure the safe and proper working of the said Drain, and to prevent the same from obstructing or otherwise injuring or impeding the Action of the Sewer to which it leads; and it shall be lawful for the said Vestry or Board to cause the said Works to be inspected while in progress, and from Time to Time during their Execution to order such reasonable Alterations therein, Additions thereto, and Abandonment of Part or Parts thereof as may to the Vestry or Board, or their Officers, appear on the fuller Knowledge afforded by the opening of the Ground requisite to secure the complete and perfect working of such Works;* and if the Owner of such House or Building neglect or refuse, during Twenty-eight Days after the said Notice has been delivered to such Owner, or left at such House or Building, to begin to construct such Drain *and other Works aforesaid, or any of them*, or thereafter fail to carry ~~it~~ *them* on and complete it, with all reasonable Despatch, it shall be lawful for the Vestry or Board to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Owner in the Manner herein-after provided.

Penalty on Owner, &c. for Neglect.

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Provision for combined Drainage of Blocks of Houses.

If it appear to the Vestry or Board of any Parish or District that a Group or Block of contiguous Houses, or of adjacent detached or semi-detached Houses, may be drained and improved more economically or advantageously in combination than separately, and a Sewer of sufficient Size already exist or be about to be constructed within One hundred Feet of any Part of such Group or Block of Houses, whether contiguous, detached, or semi-detached, it shall be lawful for such Board or Vestry to order that such Group or Block of Houses be drained and improved, as herein-before provided, by a combined Operation.

No House to be built without Drains constructed to the Satisfaction of the Vestry or District Board.

LXXIV. It shall not be lawful to erect any House or other Building in any Parish mentioned in Schedule (A.) to this Act, or in any District mentioned in Schedule (B.) to this Act, or to rebuild any House or Building within any such Parish or District which has been pulled down to or below the Floor commonly called the Ground Floor, or to occupy any House or Building so newly built or rebuilt, unless a Drain *and such Branches thereto and other connected Works and Apparatus and Water Supply as herein-before mentioned* be constructed *and provided* to the Satisfaction *of the Surveyor* of the Vestry of such Parish or Board of Works for such District, of such Materials, of such Size, at such Level, and with such Fall as they may direct, so that the same shall be available for the Drainage of the lowest Floor of such House or Building, *and of its several Floors or Stories*, and also of its Areas, Waterclosets, Privies, and Offices (if any), which Drain shall lead from ~~the~~ *such* House or Building, or intended Site of such House or Building, to such Sewer, already made or intended to be constructed near thereto, as the Vestry or Board shall direct and appoint, or if there be no such Sewer existing or intended to be constructed within One hundred Feet of any Part of the intended Site of such House or Building, then to such covered Cesspool or other Place, not being under any Dwelling House, as the Vestry or Board shall direct; and whenever any House or Building is rebuilt as aforesaid, the Level of the lowest Floor of such House or Building shall be raised sufficiently to allow of the Construction of such a Drain *and such Branches thereto and other Works and Apparatus* as ~~is~~ *are* herein-before required, and for that Purpose the Levels shall be taken and determined under the Direction of the Vestry or District Board.

Notice of Buildings to be given to the Vestry or District Board before commencing the same.

LXXV. Before beginning to lay or dig out the Foundation of any new House or Building within any such Parish or District, or to rebuild any House or Building therein, and also before making any Drain for the Purpose of draining directly or indirectly into any Sewer under the Jurisdiction of the Vestry or Board of or for any such Parish or District, Seven Days Notice in Writing shall be

be given to the Vestry or Board by the Person intending to build or rebuild such House or Building or to make such Drain; and every such Foundation shall be laid at such Level as will permit the Drainage of such House or Building in compliance with this Act, and as the Vestry or Board shall order, and every such Drain shall be made in such Direction, Manner, and Form, and of such Materials and Workmanship, *and with such Branches thereto and other connected Works and Apparatus and Water Supply as herein-before mentioned, and* as the Vestry or Board shall order, and the making of every such Drain shall be under the Survey and Control of the Vestry or Board; and the Vestry or District Board shall make their Order in relation to the Matters aforesaid, and cause the same to be notified to the Person from whom such Notice was received within Seven Days after the Receipt of such Notice, and in default of such Notice, or if such House, Building, or Drain, *or Branches thereto or other connected Works and Apparatus and Water Supply*, be begun, ~~or~~ erected, ~~or~~ made, *or provided* in any respect contrary to any Order of the Vestry or Board made and notified as aforesaid, or the Provisions of this Act, it shall be lawful for the Vestry or Board to cause such House or Building to be demolished or altered, and to cause such Drain *or Branches thereto and other connected Works and Apparatus and Water Supply* to be relaid, amended, or re-made, *or, in the event of Omission, added*, as the Case may require, and to recover the Expenses thereof from the Owner thereof in the Manner herein-after provided.

Private Drains may be branched into Sewers constructed by Metropolitan Board, or any Vestry or District Board under certain Regulations.

LXXVI. It shall be lawful for any Person, at his own Expense, to make or branch any Drain into any of the Sewers vested in the Metropolitan Board of Works or any Vestry or District Board under this Act, or authorized to be made by them under this Act, *such Drain being* of such a Size, *and of such Conditions*, and *branched to such Sewer*, in such a Manner and Form of Communication in all respects as the Vestry or Board shall direct or appoint; and in case any Person make or branch any Drain into any of the said Sewers so vested in the Vestry or Board, or authorized to be made by them under this Act, of a larger Size, *or of different Conditions*, or in a different Manner and Form of Communication than shall be directed or appointed by the Vestry or Board, every Person so offending shall for every such Offence forfeit a Sum not exceeding Fifty Pounds.

Power to Metropolitan Board or Vestry or District Board to branch pri-

LXXVII. Whenever it is necessary to open any Part of the Pavement or any Street or public Place, for the Purpose of making or branching any private Drain into any of the Sewers or Drains vested in the Metropolitan Board of Works, or any Vestry or District Board under this Act, or authorized to be made by them under this Act, it shall be lawful

lawful for the Vestry or Board, in case they think fit so to do, to make so much and such Part of such private Drain, and also to construct so much and such Part of the Work necessary for branching the same into the public Sewers as shall be under or in any Street, and to recover the Expenses incurred thereby from the Owner of the House, Building, or Ground to which such private Drain belongs, in the Manner herein-after provided.

Vestry or Board may make private Drains into Sewers, at the Expense of the Party to whom they belong.

LXXVIII. It shall be lawful for any such Vestry or Board to contract and agree with the Owners or Occupiers of any Houses, Buildings, or Ground that any Drains required to be made, altered, or enlarged by such Owners shall be constructed, made, altered, and enlarged by the Vestry or Board; and the Cost Price of making, altering, or enlarging such Drains, as certified by the Surveyor of the Vestry or Board, shall be repaid by the Owner or Occupier so agreeing to the Vestry or Board, and in default of Payment the same may be recovered in the Manner herein-after provided.

Vestry or District Board may agree to make House Drains at the Expense of Owners or Occupiers.

LXXIX. Where any Sewer in any of the Parishes mentioned in either of the Schedules (A.) and (B.) to this Act, into which any Drain shall be made or branched, has been built since the Third Day of September One thousand eight hundred and thirteen, and before the Commencement of this Act, at the Expense of any Person or Body other than any Commissioners of Sewers, the Vestry or District Board in whom such Sewer is vested may order such Sum as they may deem just to be paid and contributed by the Owner of the House to which such Drain belongs towards the Expense of the Construction of such Sewer, which Sum shall, on the Receipt thereof by such Vestry or Board, be paid over to the Person or Body aforesaid, and such Vestry or Board may, if they see fit, order and accept Payment of such Sum, with Interest after a Rate not exceeding Five Pounds for the Hundred by the Year, by Instalments within any Period not exceeding Twenty Years.

Vestry or District Board may order a Contribution towards Construction of Sewers in certain Cases.

LXXX. After the Commencement of this Act it shall not be lawful newly to erect any House, or to rebuild any House pulled down to the Extent aforesaid, within any Parish mentioned in Schedule (A.) to this Act, or any District mentioned in Schedule (B.) to this Act, without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, *and also furnished as regards the Watercloset with suitable Water Supply and Water Supply Apparatus, and with suitable trapped Soilpan and other suitable Works and Arrangements, so far as may be necessary to ensure the efficient Operation thereof;* and whosoever shall offend against this Enactment shall be liable to a Penalty not exceeding Twenty Pounds; and if at any

Penalty on erecting Houses without proper Watercloset, &c.

All Houses to have proper Watercloset, &c.

any Time it appear to the Vestry or District Board of such Parish or District that any House in any such Parish or District, whether built before or after the Commencement of this Act, is without a sufficient Watercloset or Privy and Ashpit furnished with proper Doors and Coverings, *and with other Apparatus and Works as aforesaid*, the Vestry or District Board shall, in case the same can be provided without disturbing any Building, give Notice in Writing to the Owner or Occupier of such House, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to provide a sufficient Watercloset or Privy and Ashpit so furnished as aforesaid, or either of them, as the Case may require; and if such Notice be not complied with it shall be lawful for the Vestry or District Board to cause to be constructed a sufficient Watercloset or Privy and Ashpit, or either of them, or do such other Works as the Case may require, and to recover the Expenses incurred by them in so doing from the Owner of such House in manner herein-after provided: Provided always, that where a Watercloset or Privy has been and is used in common by the Inmates of Two or more Houses, or if in the Opinion of the Vestry or District Board a Watercloset or Privy may be so used, they need not require the same to be provided for each House.

Power for Vestries and District Boards to authorize Inspection of Drains, Privies, and Cesspools.

LXXXI. It shall be lawful for any such Vestry or Board, or for their Surveyor or Inspector, or such other Person as they appoint, to inspect any Drain, Watercloset, Privy, ~~or~~ Cesspool, *or Water Supply Apparatus, or Sinks, Traps, Syphons, Pipes, or other Works or Apparatus connected therewith*, within the Parish or District of such Vestry or Board, and for that Purpose, at all reasonable Times in the Daytime, after Twenty-four Hours Notice in Writing has been given to the Occupier of the Premises to which such Drain, Watercloset, Privy, ~~or~~ Cesspool, *or Water Supply Apparatus, or other connected Works or Apparatus as aforesaid*, is attached, or left upon the Premises, or in case of Emergency without Notice, to enter, by themselves or their Surveyor or Inspector and Workmen, upon any Premises, and cause the Ground to be opened in any Place they think fit, doing as little Damage as may be.

Penalty on Persons improperly making or altering Drains.

LXXXII. In case any Drain, Watercloset, Privy, or Cesspool be found, on Inspection, not to have been made according to the Directions or Regulations of the Vestry or District Board, or contrary to the Provisions of this Act, or in case any Person without the Consent of the Vestry or District Board construct, rebuild, or unstop any Sewer, Drain, Watercloset, Privy, ~~or~~ Cesspool, *or Water Supply, or Water Supply Apparatus, or other connected Works or Apparatus as herein-before mentioned*, which may have been ordered by them not to be made *or provided* or to be demolished or

stopped

stopped up, *or in case any Person discontinue any Water Supply, or destroy any connected Works or Apparatus as aforesaid*, or in case any Person without the Consent of the Vestry or District Board break into any Sewer vested in such Vestry or Board, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds; and in case the Person so making any Sewer, Drain, Watercloset, Privy, ~~or~~ Cesspool, *or other Works or Apparatus as aforesaid*, contrary to the Directions or Regulations of the Vestry or Board, or contrary to the Provisions of this Act, or without such Consent as aforesaid constructing, rebuilding, or unstopping any Sewer, Drain, Watercloset, Privy, or Cesspool which may have been ordered to be demolished or stopped up, *or discontinuing any Water Supply or destroying any connected Works or Apparatus as aforesaid*, or breaking into any such Sewer as aforesaid, do not within Fourteen Days after Notice in Writing by the Vestry or Board cause such Sewer, Drain, Watercloset, Privy, or Cesspool to be altered or reinstated in conformity with the Directions of the Vestry or Board, or, as the Case may be, to be demolished or stopped up, *or such Water Supply to be renewed, or such connected Works or Apparatus to be restored*, then and in every such Case the Vestry or Board may cause the Work to be done, and the Expenses thereof shall be paid by the Person who has so ~~made such Sewer, Drain, Watercloset, Privy, or Cesspool contrary to the Directions or Regulations of the Vestry or Board, or of this Act, or without such Consent constructed, rebuilt, or unstopped any Sewer, Drain, Watercloset, Privy, or Cesspool which they may have ordered to be demolished, or stopped up, or who without such Consent has broken into such Sewer as aforesaid~~; *offended.*

LXXXIII. If such Drain, Watercloset, Privy, ~~or~~ Cesspool, *or Water Supply, or Water Supply Apparatus, or other connected Works and Apparatus*, be found on Inspection as aforesaid to be made to the Satisfaction of the Vestry or Board, and in proper Order and Condition, they shall cause the same to be ~~closed~~ *reinstated* and made good as soon as may be, and the Expenses of ~~opening, closing,~~ *Examination, reinstating*, and making good such Drain, Watercloset, Privy, ~~or~~ Cesspool, *or other Works or Apparatus as aforesaid*, shall be defrayed by the Vestry or Board, and full Compensation shall be made by them for all Damages or Injuries done or occasioned by the ~~opening~~ *Examination* of any such Drain, Watercloset, Privy, ~~or~~ Cesspool, *or other Works or Apparatus as aforesaid.*

Where no Default found Expenses to be paid by Vestry or Board.

LXXXIV. If, upon such Inspection as aforesaid, any Drain, Watercloset, Privy, or Cesspool appear to be in bad Order and Condition, or to require cleansing, Alteration, or Amendment, or to be filled up, the Vestry or Board shall cause Notice in Writing to be given to the Owner or Occupier of the Premises upon or in respect of which the Inspection

Vestry or District Board to cause Drains, &c. to be put into proper Condition, &c. where necessary.

Inspection was made, requiring him forthwith, or within such reasonable Time as shall be specified in such Notice, to do the necessary Works; and if such Notice be not complied with by the Person to whom it is given the Vestry or Board may, if they think fit, execute such Works, and the Expenses incurred by them in so doing shall be paid to them by the Owner or Occupier of the Premises.

Vestry and District Board to cause offensive Ditches, Drains, &c. to be cleansed or covered.

LXXXV. Every Vestry and District Board shall drain, cleanse, cover, or fill up, or cause to be drained, cleansed, covered, or filled up, all Ponds, Pools, open Ditches, Sewers, Drains, and Places containing or used for the Collection of any Drainage, Filth, Water, Matter, or Thing of an offensive Nature, or likely to be prejudicial to Health, which may be situate in their Parish or District; and they shall cause written Notice to be given to the Person causing any such Nuisance, or to the Owner or Occupier of any Premises whereon the same exists, requiring him, within a Time to be specified in such Notice, to drain, cleanse, cover, or fill up such Pond, Pool, Ditch, Sewer, Drain, or Place, or to construct a proper Sewer or Drain for the Discharge of such Filth, Water, Matter, or Thing, or to do such other Works as the Case may require; and if the Person to whom such Notice is given fail to comply therewith, the Vestry or Board shall execute such Works as may be necessary for the Abatement of such Nuisance, and may recover the Expenses thereby incurred from the Owner of the Premises in manner herein-after mentioned: Provided always, that it shall be lawful for such Vestry or Board, where they think it reasonable, to defray all or any Portion of such Expenses, as Expenses of Sewerage are to be defrayed under this Act: Provided also, that where any Work by any Vestry or District Board done or required to be done in pursuance of the Provisions of this Act interferes with or prejudicially affects any ancient Mill, or any Right connected therewith, or other Right to the Use of Water, full Compensation shall be made to all Persons sustaining Damage thereby, in manner herein-after provided, or it shall be lawful for the Vestry or Board, if they think fit, to contract for the Purchase of such Mill, or any such Right connected therewith, or other Right to the Use of Water; and the Provisions of this Act with respect to the Purchases by the Vestry or Board herein-after authorized shall be applicable to every such Purchase as aforesaid.

Where Works interfere with any ancient Mill, &c. Compensation to be made, or Rights therein purchased.

Power to Vestries and District Boards to fill up Ditches by

LXXXVI. It shall be lawful for any Vestry or District Board, where they think fit, to cause the Ditches at the Sides of or across public Roads and Byeways and public Footways to be filled up, and to substitute Pipe or other Drains alongside or across such Roads and Ways, with

with appropriate Shoots and Means of conveying Water from such Roads and Ways thereinto, and from Time to Time to repair and amend the same; and the Surface of Land gained by filling up such Ditches may, if the Vestry or Board so think fit and direct, be thrown into such Roads and Ways, and be repairable as Part thereof, and be under the Control of the Surveyors of the Highways, or other Person in charge of such Roads, Byeways, or Footways.

the Side of Roads, and substitute Pipes.

LXXXVII. It shall be lawful for every Vestry and District Board to provide and maintain Urinals, Waterclosets, Privies, and like Conveniences, in Situations where they deem such Accommodation to be required, and to supply the same with Water, and to defray the Expense thereof, and any Damage occasioned to any Person by the Erection thereof, and the Expense of keeping the same in good Order, as Expenses of Sewerage are to be defrayed under this Act.

Power to Vestries and District Boards to provide public Conveniences.

LXXXVIII. If any Vestry or District Board desire to transfer to the Metropolitan Board of Works the Powers and Duties vested in such Vestry or District Board in relation to Sewerage and Drainage, and a Resolution for so transferring such Powers and Duties be passed by a Majority at a Meeting of such Vestry or District Board, specially convened for the Purpose of considering the Question of such Transfer, of which not less than Fourteen Days Notice shall have been given, and at which there shall be present not less than Two Thirds of the whole Number of such Vestry or Board, then such Powers and Duties, and all Sewers and Property vested in such Vestry or Board under this Act, for the Purposes of or in connexion with such Powers and Duties, shall, at the Expiration of One Month after Notice from such Vestry or Board shall have been given under their Seal to the said Metropolitan Board of such Resolution having been passed as aforesaid, become vested in the said Metropolitan Board, and the Provisions of this Act for defraying Expenses incurred by such Board in the Execution of this Act shall extend to Expenses incurred by them in the Execution of the Powers and Duties so transferred to them.

Vestries and District Boards may transfer their Powers as to Sewerage to the Metropolitan Board of Works.

~~LXXXIX. Every Vestry under this Act shall exercise the Powers and Privileges held by any Vestry now existing in the Parish, save as in this Act otherwise provided; and the Authority of such Vestry may be pleaded before any Justice or Justices of the Peace, or in any Court of Law, in regard to all parochial Property, or Moneys due, or Holdings or Contracts, or other Documents of the like Nature, formerly under the Control or in the Keeping of the Vestry of the Parish; and all Parish Officers or Boards shall account to them in like Manner as they are by Law liable to account to the said Vestry.~~

[Clause XC. (Provision for Joint Action of Vestries, and Elections out of Vestries under Local Acts) transferred to Page 94. as Clause N.]

All Powers relating to paving, &c. to be vested in Vestries and in District Boards.

XCI. All the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A) to this Act, or any Part of such Parish, *now vested in any Commissioners, or in any Body other than the Vestry of such Parish, or in any Officer of any Commissioners or other Body*, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or ~~public~~ Concerns of any such Parish or Part, or of the Inhabitants thereof, (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, *or the Administration of any Money or other Property applicable to the Relief of the Poor*, so far as such Duties, Powers, and Authorities relate thereto,) now vested under any *Local* Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, or in any *such* Officer ~~of any Commissioners or other Body,~~ shall cease to be so vested and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Vestry of such Parish under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to this Act, or any Part of such Parish, *now vested in any Commissioners, Vestry or other Body, or in any Officer of any Commissioners or other Body*, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or ~~public~~ Concerns of any such Parish, or Part, or of the Inhabitants thereof (except such Duties, Powers, and Authorities as relate to the Affairs of the Church or the Management or Relief of the Poor, *or the Administration of any Money or other Property applicable to the Relief of the Poor*, so far as such Duties, Powers, and Authorities relate thereto), now vested under any *Local* Act of Parliament in any Commissioners, Vestry, or other Body, or in any *such* Officer ~~of any Commissioners or other Body,~~ shall cease to be so vested and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Board of Works for such District; and the Provisions of every such Act of Parliament as aforesaid shall be applicable to the Vestry of every Parish mentioned in the said Schedule (A.) and to every such District Board accordingly, and the Offices of all Commissioners and Persons whose Powers are determined by this Act shall cease and be determined, and there shall be no new Appointment or Election to any such Office.

Provided

Added by the Lords.

CLAUSE E. Saving for Baths and Wash-houses and Metropolitan Burials Acts, and of Markets and Charitable Trusts.

Provided always, That nothing in this Act shall divest the Vestry of any Parish, or any Commissioners or Burial Board appointed by any Vestry, of any Powers or Property vested in them respectively under the Provisions of the Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Seventy-four, or any Act amending the same, or under the Provisions of the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, or any Act amending the same, or in anywise affect the Provisions of any of the said Acts; and nothing in this Act shall extend to or affect any Rights, Privileges, Powers, or Authorities vested in any Persons in reference to any Market, or any Powers or Rights for or in relation to the Administration of any Charitable Trusts, save that any Powers or Rights in relation to any such Trusts vested or which would have become vested in the existing Vestry of any Parish shall be vested in the Vestry of such Parish as constituted by this Act.

Expenses incurred under existing Powers relating to paving &c. to be deemed Expenses incurred in Execution of this Act.

XCII. Provided ~~always~~ *also*, That all Expenses of paving, lighting, watering, cleansing, or improving any Parish or any Part of any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, and all other Expenses in relation to the Regulation, Government, or public Concerns of any such Parish or Part, or of the Inhabitants thereof, except only Expenses incurred in relation to the Affairs of the Church, or for the Management or Relief of the Poor, and other Expenses by Law payable out of any Poor Rate which are not herein provided for, shall be deemed Expenses incurred in the Execution of this Act, and shall be defrayed accordingly.

Transfer of Property.

XCIII. All Property, Matters, and Things whatsoever vested in such Commissioners or other Body, or in any such Officer as aforesaid, under any such Act, in connexion with any such Duties or Powers as aforesaid, hereby transferred to the Vestry of any Parish or the Board of Works for any District, shall upon the Commencement of this Act be vested in such Vestry or Board; and where any such Property, Matters, or Things are vested in any such Commissioners or Body, or Officer, acting for Parts extending beyond such Parish or District, the Metropolitan Board of Works shall by their Order declare in what Vestry or District Board they shall be vested, and may, if they see fit, apportion the same between the Vestries and District Boards within whose respective Districts and Parishes such Parts may be situate, and the same shall be vested accordingly; and any Money in the Possession of any such Commissioners or other Body, or any such Officer, which becomes vested in any such Vestry or Board under this Enactment, and the Income of any other such

Property, until sold or disposed of, shall be applicable as nearly as may be for the like Purposes as if this Act had not been passed.

Existing Contracts, &c. to remain valid.

XCIV. Provided always, That all Contracts, Agreements, Bonds, Covenants, or Securities made or entered into with or in favour of or by such Commissioners or Body, or any Person in their Behalf, or any such Officer as aforesaid, before the Commencement of this Act, shall remain as valid and effectual and be proceeded on and enforced as if this Act had not been passed; and no Action, Suit, Prosecution, or Proceeding commenced or carried on by or against such Commissioners or Body or any of them respectively, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect as if this Act had not been passed; and all Monies coming to such Commissioners or Body under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, and which would have been applicable by them, if this Act had not been passed, for the Purposes of any of the Duties or Powers hereby transferred to any Vestry or District Board, shall be paid over to such Vestry or Board, or as they may direct, and be applied for the like Purposes; and all Monies and Liabilities which such Commissioners or Body, or Officer, would have been liable to pay or discharge, under any such Contract, Agreement, Bond, Covenant, Security, Action, Suit, or Proceeding, out of any Rates to be levied under any such Powers as aforesaid, if this Act had not been passed, and all Costs, Damages, and Expenses which such Commissioners or Body, or any of them respectively, might, if this Act had not been passed, have legally defrayed out of any such Rates, shall be paid out of Rates to be levied by such Vestry or Board as hereinafter provided.

Clause D. Existing Commissioners, &c. under Local Acts continued in Office until Commencement of this Act.

Where, under the Provisions of any Local Act in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, or any Part of any such Parish, any Election or Appointment of any Commissioners or Persons whose Powers are determined by this Act is appointed to take place at any Time between the Time of the passing of this Act and the Time appointed for the Commencement thereof, the Commissioners or Persons now acting under such Local Act shall remain in Office, and perform and exercise all the Duties, Powers, and Authorities of such Act, until the Commencement of this Act, anything in such Local Act to the contrary notwithstanding. *Added by the Lords.*

Powers and Duties of Surveyors of

XCV. Every Vestry and District Board shall, within their Parish or District (exclusively of any other Persons whatsoever), execute the Office

Office of and be Surveyor of Highways, and have all such Powers, Authorities, and Duties, and be subject to all such Liabilities, as any Surveyor of Highways in England is now or may hereafter be invested with or liable to by virtue of his Office under the Laws for the Time being in force, so far as such Powers, Authorities, Duties, and Liabilities are not inconsistent with this Act; but all Expenses which under any such Law ought to be defrayed by Highway Rates shall be defrayed by means of the Rates to be raised under this Act, and all Monies which would be applicable in aid of such Highway Rates shall be applied in aid of the said Rates to be raised under this Act, and no such Vestry or Board shall be subject to any Provisions concerning the Accounts of Surveyors of Highways, or requiring any Returns to be made to any special Sessions; and all Streets being Highways, and the Pavements, Stones, and other Materials thereof, and all other Things provided for the Purposes thereof by any Surveyor of Highways, or by any Person serving the Office of Surveyor of Highways, or by any Vestry or District Board under this Act, shall vest in and be under the Management and Control of the Vestry or District Board of the Parish or District in which such Highways are situate.

Highways, and Property vested in them, transferred to Vestries and District Boards.

XCVI. Provided always, That all Rates made previously to the Commencement of this Act for defraying the Expenses of executing any Duties, Powers, and Authorities hereby transferred to any Vestry or District Board, and all Highway Rates made previously to such Commencement, or so much of such respective Rates as may not have been levied and paid, shall be levied and collected as if this Act had not been passed, and, subject to the Payment or Retainer thereout of any Sum or Expenses lawfully payable out of such respective Rates, shall, where such Rates are levied in a Parish mentioned in Schedule (A.) to this Act, be accounted for and paid over to the Vestry of such Parish, and shall, where levied in any other Parish, be accounted for and paid over to the Board of Works for the District in which such Parish is comprised, and shall in every Case be applied in aid of the Rates to be raised for the like Purposes under this Act in the particular Parish or Part in which the said Rates so made previously to the Commencement of this Act are levied.

Saving of Rates already made.

XCVII. It shall be lawful for every Vestry and District Board from Time to Time to cause all or any of the Streets within their Parish or District, or any Part thereof respectively, to be paved or repaired when and as often and in such Form and Manner and with such Materials as such Vestry or Board think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the

Vestry or District Board to pave Streets.

Channels running in, into, or through the same to be turned or altered, in such Manner as they think proper, and to alter the Position of any Mains or Pipes in or under such Street, such Alteration to be made subject to the Approval of the Engineer of the Company to which such Mains or Pipes belong.

Owners possessing Freehold of Courts, &c. to pave the same.

XCVIII. Provided always, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, is vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner, if deemed expedient or necessary by the Vestry or District Board.

Owner of Courts to drain them, and keep the Pavement, &c. in repair.

XCIX. The Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, if required by the Vestry or District Board of the Parish or District in which the same is situate, to the Satisfaction of such Vestry or District Board sufficiently pave, cover the Surface of, or repair the same, and lay, at a proper Level, through, over, under, or along such Part thereof as such Vestry or Board may require, a Drain, Channel, or Gutter, and keep such Pavement or Covering, and Drain, Channel, or Gutter, in good Repair, to the Satisfaction of such Vestry or Board; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, do not sufficiently pave or cover the same as aforesaid, or do not lay down therein such Drain, Channel, or Gutter, or do not repair the same respectively, to the Satisfaction of such Vestry or Board, within Fourteen Days after Notice in Writing requiring him so to do has been given to him by such Vestry or Board, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Owners for Neglect.

Vaults and Cellars under Streets not to be made without the Consent of the Vestry or Board.

C. No Vault, Arch, or Cellar shall be made under any Street without the Consent of the Vestry or District Board of the Parish or District in which the same is situate; and all such Vaults, Arches, and Cellars hereafter to be made within any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act shall be substantially made, and so as not to interfere or communicate with any Drain or Sewer under the Control of any Vestry or District Board, or of the Metropolitan Board of Works, without their Consents respectively first obtained; and if any Vault, Arch, or Cellar be made contrary to this Provision, it shall be lawful for the Vestry or District Board, or for the Metropolitan Board of Works, to fill up or alter the same, and the Expenses incurred thereby shall be paid by the Owner of such Vault, Arch, or Cellar.

CI. All

CI. All Vaults, Arches, and Cellars made either before or after the Commencement of this Act under any Street in any Parish or District mentioned in either of the Schedules (A.) and (B.) to this Act, and all Openings into the same in any such Street, shall be repaired and kept in proper Order by the Owners or Occupiers of the Houses or Buildings to which the same respectively belong; and in case any such Vault, Arch, or Cellar be at any Time out of Repair, it shall be lawful for the Vestry or District Board of such Parish or District to cause the same to be repaired and put into good Order, and to recover the Expenses thereof from such Owner in the Manner herein-after provided.

Vaults, &c. under Streets to be repaired by Owners or Occupiers.

CII. Any Room of a House the Surface of the Floor of which Room is more than Three Feet below the Surface of the Footway of the adjoining Street, and any Cellar, where such Room or Cellar is or has been occupied separately as a Dwelling at or before the Time of the passing of this Act, may continue to be so let or occupied if it possess the following Requisites; that is to say,

Occupation as separate Dwellings of underground Rooms unfit for Habitation prohibited.

If there be an Area not less than Three Feet wide in every Part from Six Inches below the Floor of such Room or Cellar to the Surface or Level of the Ground adjoining to the Front, Back, or external Side thereof, and extending the full Length of such Side;

If such Area, to the Extent of at least Five Feet long and Two Feet Six Inches wide, be in front of the Window of such Room or Cellar, and be open or covered only with open Iron Gratings;

If there be in every such Room or Cellar an open Fireplace, with proper Flue therefrom;

If there be a Window Opening of at least Nine Superficial Feet in Area, which Window Opening must be fitted with a Frame filled in with glazed Sashes, of which at the least Four and a Half Superficial Feet must be made to open for Ventilation:

And no such Room nor any Cellar not so let or occupied as aforesaid at or before the Time of the passing of this Act shall be so let or occupied unless it possess the following Requisites; that is to say,

Unless the same be in every Part thereof at least Seven Feet in Height, measured from the Floor to the Ceiling thereof;

Unless the same be at least One Foot of its Height above the Surface of the Footway of the Street adjoining or nearest to the same;

Unless there be outside of and adjoining the same Room or Cellar, and extending along the entire Frontage thereof and upwards, from Six Inches below the Level of the Floor thereof up to the

Surface of the said Footway, an open Area at least Three Feet wide in every Part;

Unless the same be effectually drained and secured against the Rise of Effluvia from any Sewer or Drain;

Unless there be appurtenant to such Room or Cellar the Use of a Watercloset or Privy and an Ashpit furnished with proper Doors and Coverings kept and provided according to the Provisions of this Act;

Unless the same have a Fireplace with a proper Chimney or Flue;

Unless the same have an external glazed Window of at least Nine Superficial Feet in Area clear of the Frame, and made to open in such Manner as is approved by the Surveyor of the Metropolitan Board of Works;

Provided always, that in any Area adjoining a Room or Cellar there may be placed Steps necessary for Access to such Room or Cellar, and over or across any such Area there may be Steps necessary for Access to any Building above the Room or Cellar to which such Area adjoins, if the Steps in such respective Cases be so placed as not to be over or across any such external Window:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any Room or Cellar contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings for every Day during which the same continues to be so let or occupied; and every Room or Cellar in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; and every District Surveyor acting under the Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Eighty-four, or under any Act repealing or amending the same, shall without any Fee or Reward ~~enforce the Observance of this Enactment, and proceed for the Recovery of Penalties thereunder, and~~ report periodically, and otherwise, as the said Metropolitan Board may order, to such Board all Cases in which Rooms or Cellars are occupied contrary to this Enactment in the District of such Surveyor, and also to the respective Vestries and District Boards all such Cases occurring within such Parts of his District as may be within their respective Parishes and Districts, ~~together with the Particulars of the Cases in which Proceedings may have been taken for Penalties, and the Result of such Proceedings~~; but nothing herein contained shall be construed to disable other Persons from enforcing this Enactment, and taking Proceedings for Penalties thereunder.

CLAUSE G. District Surveyors may be em-

For the Purpose of enforcing the Enactment lastly herein-before contained, it shall be lawful for any such District Surveyor, or for any

Added by the Lords.

any other Person, having reasonable Grounds for believing that any Room or Cellar is occupied contrary to such Enactment, to demand Admission to inspect the same at any Time between Nine o'Clock in the Morning and Six o'Clock in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place where such Room or Cellar is situate may, on Oath before him of Belief that such Room or Cellar is occupied contrary to the said Enactment, by Order under his Hand authorize such District Surveyor or other Person to enter into and inspect such Room or Cellar between the Hours aforesaid.

Powered to enter underground Rooms and Cellars.

CIII. In case the Owners of the Houses forming the greater Part of any new Street laid out or made or hereafter to be laid out or made, which is not paved to the Satisfaction of the Vestry or District Board of the Parish or District in which such Street is situate, be desirous of having the same paved, as herein-after mentioned, or if such Vestry or Board deem it necessary or expedient that the same should be so paved, then and in either of such Cases such Vestry or Board shall well and sufficiently pave the same, either throughout the whole Breadth of the Carriageway and Footpaths thereof, or any Part of such Breadth, and from Time to Time keep such Pavement in good and sufficient Repair; and the Owners of the Houses forming such Street shall, on Demand, pay to such Vestry or Board the Amount of the estimated Expenses of providing and laying such Pavement (such Amount to be determined by the Surveyor for the Time being of the Vestry or Board); and in case such estimated Expenses exceed the actual Expenses of such paving, then the Difference between such estimated Expenses and such actual Expenses shall be repaid by the said Vestry or Board to the Owners of Houses by whom the said Sum of Money has been paid; and in case the said estimated Expenses be less than the actual Expenses of such paving, then the Owners of the said Houses shall, on Demand, pay to the said Vestry or Board such further Sum of Money as, together with the Sum already paid, amounts to such actual Expenses.

Provisions for paving new Streets.

CIV. The Vestry or District Board of any Parish or District may, if they think fit, by Notice in Writing put up in any Part of any Street in their Parish or District, not being a Highway, declare ~~the same to be a Highway, for the Purpose~~ *their Intention* of repairing the same under this Act, and thereupon the same shall ~~become a Highway for those Purposes only, and~~ be from Time to Time repaired by them under the Authority of this Act: Provided always, that no Street shall ~~become a Highway~~ *be repaired* as last aforesaid unless such Notice in Writing be also given to ~~the Proprietor of such Street~~ *all Persons interested in such Street*, or if within One Month after Notice in Writing has

Vestry or Board may declare their Intention of repairing any Street, not being a Highway.

Proviso.

has been put up or given as last aforesaid ~~the Proprietor of~~ *all Persons interested in* such Street, or the Person representing or entitled to represent ~~such Proprietor~~ *any Person interested as aforesaid*, by Notice in Writing to the Vestry or Board object thereto.

Act not to authorize the making any Thoroughfare without the Consent of the Proprietor of the Estate.

CV. Nothing in this Act shall extend or be construed to extend to authorize the taking down or removing any Bar, Gate, Rail, or other Fence fixed for preventing any Thoroughfare into or from any Square, Street, or Way, without the Consent of the Proprietor of the Estate or Property upon which such Bar, Gate, Rail, or other Fence, Square, Street, or Way shall be situate.

Vestries and District Boards may place Fences &c. to Footways

CVI. It shall be lawful for every Vestry and District Board from Time to Time to place any Posts, Fences, and Rails on the Sides of any Footways or Carriageways in their Parish or District, for the Purposes of Safety, and to prevent any Carriage or Cattle from going on the same, and also to place any Posts or other Erections in any Carriageways so as to make the Crossings thereof less dangerous for Foot Passengers, and also from Time to Time to repair and renew any such Posts, Rails, or Fences, or to remove the same, or any other Obstruction or Encroachment on any Carriageway or Footway.

Notice to be given by Companies to Vestries and District Boards when Pavement, &c. is required to be taken up.

CVII. No Company or Person shall break up or open the Pavement, Surface, or Soil of any Street, the Paving whereof is under the Control and Management of the Vestry or District Board of any Parish or District, for the Purpose of making and laying down any Main of Pipes or for any other Purpose whatsoever, except in Cases of Emergency arising from Defects in Pipes or other Works, without having previously given Three clear Days Notice in Writing to such Vestry or District Board, stating in such Notice the Name of the Street and the particular Part thereof in which such Pavement, Surface, or Soil is intended to be broken up or opened, the Day on which the Work is proposed to be commenced, and the Time within which it will be completed; and in any such Case of Emergency as aforesaid such Company or Person shall, within Twelve Hours after they or he begin to break up or open such Pavement, Surface, or Soil as aforesaid, give such Notice as aforesaid to the said Vestry or District Board; and no such Pavement, Soil, or Surface shall be broken up or opened for the Purpose of laying down any new Main of Pipes for the Conveyance of Water ~~or Gas~~ during any Part of the Months of December, January, and February, *without the Consent of the said Vestry or District Board;* and no Gaslight Company shall *at any Time* break up or open any such Pavement, Surface, or Soil for the Purpose of laying down any new Mains ~~or~~ *of* Pipes without the Consent in Writing of the said Vestry or District Board; and

and every Company or Person offending against this Enactment shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall, within Twenty-four Hours after Notice in Writing from the Vestry or District Board, cause such *Mains of Pipes to be taken up and removed, and the* Pavement, Surface, or Soil to be reinstated and put into its former State.

Streets not to be broken up, except under the Superintendence of Vestry or Board.

Streets broken up to be reinstated without Delay.

CVIII. Whenever it is necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened under the Superintendence of the Vestry or District Board of the Parish or District in which the same is situate, and in such Manner, and as regards Gas Companies at such Time, as they shall direct; and such Company or Person shall with all convenient Speed complete the Work on account of which the same is broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil is so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil is continued open or broken up.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents.

CIX. If any Company or Person authorized to break up or open any of the Pavement or Surface of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, do not with due Diligence cause the Ground to be filled in, and the Pavement to be reinstated, and the Surface to be made good, in a proper and substantial Manner, or do not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground is open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, and also a further Sum not exceeding Forty Shillings, for every Day during which such Offence continues; and no such Pavement shall be considered to have been reinstated in a proper and substantial Manner by any such Company or other Person unless the same have been reinstated with the same or similar Materials of the like Quality and Thickness and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as is satisfactory to the Vestry or Board: *Provided always, that any Gaslight Company may break up or open*

any such Pavement, Surface, or Soil, for the Purpose of laying down and attaching to Mains and Pipes already existing any new Service Pipes, on giving to the said Vestry or District Board, Three Days at the least before so doing, Notice of their Intention to break up or open such Pavement, Surface, or Soil for such Purpose.

Vestry or District Board to direct Pavements injured by Water or Gas Pipes to be repaired by the Company to which they belong.

Penalty for Neglect.

CX. In case any Part of the Pavement of any Street be sunk, broken, injured, or damaged, by reason of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water, Gas, or other Company, it shall be lawful for the Vestry or District Board of the Parish or District in which such Pavement is situate, if they deem it expedient so to do, to cause Notice to be given to the Company to whom such Pipe is supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if the Company to whom such Notice is given do not, within Forty-eight Hours next after such Notice, take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Vestry or District Board, then such Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Company opening the Ground to repair a Pipe discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses.

CXI. Provided always, That in case it be discovered, after any Pavement in any Street has been taken up by any Company, and the Ground opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended does not belong to the Company to whom such Notice has been given as aforesaid, but to some other Company, then such first-mentioned Company to whom such Notice has been so given as aforesaid shall, within Forty-eight Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Company to whom such Pipe belongs, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice was given as aforesaid; and such other Company to whom such last-mentioned Notice is given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned

mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement has been first taken up, and who have opened the Ground, neglect to give the Notice hereby required to the Company to whom such Pipe actually belongs, such Company so neglecting shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Power to Vestry or District Board to reinstate Pavement, and charge the Expenses to the Parties.

CXII. Provided also, That whenever the permanent Surface or Soil of any Street is broken up or opened, it shall be lawful for the Vestry or District Board of the Parish or District in which the same is situate, in case they think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil is broken up or opened; and the Expenses of filling in such Ground and of making good the Pavement or Soil so broken up or opened shall be repaid, on Demand, to the Vestry or Board by such Company or Person.

Power for Vestry or District Board to contract with Company for restoring Pavements.

CXIII. It shall be lawful for the Vestry or District Board of any Parish or District to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within such Parish or District, for the filling in, paving, and restoring of such Parts of the said Streets as may be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

Watering of Streets.

CXIV. Every Vestry and District Board shall have full Power and Authority to cause all or any of the Streets in their Parish or District to be watered as often as they think fit, and also to cause any Wells to be dug and sunk in such public Places as they think proper, and also to erect and fix any Pumps in any public Places, for the gratuitous Supply of Water to the Inhabitants of the Parish or District.

Vestry or District Board to cause Footways to be cleansed.

CXV. Every Vestry and District Board shall cause any Footway within their Parish or District to be scraped, swept, or cleansed in such Manner and at such Times as they think fit; but this Enactment shall not relieve any Occupier of any House or Building or any Company whatsoever from any Liability to scrape, sweep, or cleanse, or cause to be scraped, swept, or cleansed, any Part of any such Footway, or from any Penalty for Neglect so to do.

Vestries and District Boards may appoint Crossing Sweepers.

CXVI. It shall be lawful for every Vestry and District Board to appoint and pay, or for Two or more Vestries and District Boards to unite, when necessary, in appointing and paying, suitable Persons to cleanse and sweep, and to keep properly cleansed and swept daily, Crossings for Passengers over the Streets and public Thoroughfares within their respective Jurisdictions, and in such Situations as the said Vestries or District Boards may from Time to Time fix and determine, which Persons so appointed shall be distinguished by their Dress or some distinctive Mark as Public Servants.

Owners, &c. to remove future Projections, on Notice from Vestry or District Board.

CXVII. If any ~~Vestry or District Board consider any~~ Porch, Shed, projecting Window, Step, Cellar Door or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction placed or made against or in front of any House or Building after the Commencement of this Act, ~~to~~ *shall* be an Annoyance, in consequence of the same projecting into or being made in or endangering or rendering less commodious the Passage along any Street in their Parish or District, it shall be lawful for ~~them~~ *the Vestry or District Board* to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same, in such Manner as the Vestry or Board think fit; and such Owner or Occupier shall within Fourteen Days after the Service of such Notice upon him remove such Projection or Obstruction, or alter the same in the Manner directed by the Vestry or Board; and if the Owner or Occupier of any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same, in the Manner directed by the Vestry or Board, he shall forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Projection or Obstruction continues after the Expiration of such Fourteen Days *from the Time when he may be convicted of any Offence contrary to the Provisions hereof.*

Penalty for Neglect.

Vestry or District Board may remove existing Projections, and make Compensation for the same.

CXVIII. It shall be lawful for every Vestry and District Board, if ~~they consider~~ any Projection or Obstruction which has been placed or made against or in front of any House or Building in any such Street before the Commencement of this Act ~~to~~ *shall* be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Vestry or Board shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front

front of whose House or Building such Projection or Obstruction shall be, Seven Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal, excepting in Cases where the Obstruction or Projection may now be removeable under any Act, in which Case no Compensation shall be made.

Hoards to be erected during Repairs.

CXIX. Every Person who shall build or begin to build, or to take down or begin to take down, any House, Building, or Wall, or alter or repair, or begin to alter or repair, the outward Part of any House, Building, or Wall, shall, in all Cases in which the Footway is thereby obstructed or rendered inconvenient, cause to be put up a proper and sufficient Hoard or Fence, with a convenient Platform and Handrail, if there be Room enough for the same, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence, in such Cases as aforesaid, with such Platform and Handrail, standing and in good Condition, to the Satisfaction of the Vestry or District Board of the Parish or District in which such House, Building, or Wall is situate, during such Time as may be necessary for the Public Safety or Convenience, and shall, in all Cases in which the same is necessary to prevent Accidents, cause such Hoard or Fence to be well lighted during the Night; and every such Person who fails to put up such Hoard or Fence and such Platform, with such Handrail as aforesaid, or who does not, whilst the said Hoard or Fence is standing, keep the same well lighted during the Night, shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Default.

Penalty on not erecting Hoards.

No Hoard to be erected without Licence from Vestry or District Board.

CXX. It shall not be lawful for any Person to erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence in Writing first had and obtained from the *Clerk or Surveyor of the* Vestry or District Board of the Parish or District in which such Street is situate, ~~under the Hand of their Clerk or Surveyor~~; and every such Licence shall state the Place where and the Purpose for which such Hoard or Fence, Scaffold or Inclosure, is to be set up or made, and the Size thereof, and the Time for which it is to be permitted to continue.

If Hoard be erected or Materials be

CXXI. If any Person erect or set up in any Street any Hoard or Fence or Scaffold for any Purpose whatever, or any Posts, Bars, Rails,

deposited in any Manner otherwise than to the Satisfaction of the Vestry or District Board, the same may be removed.

Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, or of depositing Bricks, Lime, Rubbish, or other Materials, without a Licence from the Vestry or District Board, or do any such Act as aforesaid in any other Manner than as permitted by such Licence, or continue the same beyond the Time stated in such Licence, or fail to keep any Hoard, Fence, Platform, or Handrail in good Repair, he shall for every such Offence forfeit a Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during the Continuance of such Offence; and it shall be lawful for the Vestry or Board to cause such Hoard, Fence, Scaffold, or Inclosure to be pulled down, and the Materials thereof, and also all the Bricks, Mortar, Lime, or other Building Materials, or other Matters or Things contained within any such Inclosure, to be removed, and deposited in such Place as the Vestry or Board may think fit, and to be kept until the Charges of pulling down and removing the same be paid to the Vestry or Board; and in case the same be not claimed and the said Charges paid within the Space of Eight Days next after such Seizure thereof, it shall be lawful for the Vestry or Board to order the same to be sold, and by and out of the Proceeds of such Sale to pay such Charges, rendering any Surplus to the Owner or other Person by Law entitled thereto; and in case the Proceeds of such Sale be insufficient to cover such Charges, and the Charges of selling and disposing of such Materials, Matters, and Things, the Deficiency shall be repaid by the Owner of such Materials, Matters, and Things to the Vestry or District Board, on Demand.

Clause H. Providing against Accidents in laying out new Streets, &c.

Every Person laying out or opening any new Street, or building therein, shall, during the Operations necessary for forming such new Street, or for building therein, take all such Precautions for guarding against Injury to the Passengers along such Street as may be directed by the Vestry or District Board of the Parish or District within which such Operations are being carried on; and if any Person fail to comply with the Directions of such Vestry or District Board, within such Time as may be limited by them, such Vestry or District Board may do whatever may be necessary for carrying the same into effect, and the Expenses thereby incurred shall be repaid to such Vestry or District Board by the Person laying out or opening such new Street, or building therein, as aforesaid, and shall be recoverable by them from such Person in manner provided by this Act.

Added by the Lords.

Vestries and District Boards to

CXXII. It shall be lawful for every Vestry and District Board and they are hereby required to appoint and employ a sufficient Number of

of Persons, or to contract with any Company or Persons, for the sweeping and cleansing of the several Streets within their Parish or District, and for collecting and removing all Dirt, Ashes, Rubbish, Ice, Snow, and Filth, and for the cleansing out and emptying of Privies and Cesspools, Sewers and Drains, in or under Houses and Places within their Parish or District; and such Company or Persons are herein-after referred to as Scavengers; and such Scavengers or their Servants shall, on such Days and at such Hours and in such Manner as the Vestry or District Board shall from Time to Time appoint, sufficiently execute and perform all such Works and Duties as they respectively are employed or contract to execute or perform; and if any such Company or Person fail in any respect properly to execute and perform such Works and Duties such Company or Person shall for every such Offence forfeit a Sum not exceeding Five Pounds.

appoint Scavengers.

CXXIII. Any Occupier of any House or Land or other Person who refuses or does not permit any Soil, Dirt, Ashes, or Filth to be taken away by the Scavengers appointed by or contracting with any Vestry or Board as aforesaid, or who obstructs the said Scavengers in the Performance of their Duty, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds.

Penalty for obstructing Scavengers in Performance of their Duty.

CXXIV. All Dirt, Dust, Nightsoil, Ashes, and Rubbish collected as aforesaid shall be the Property of such Vestry or Board, and such Vestry or Board shall have full Power to sell and dispose of the same for the Purposes of this Act as they shall think proper, and the Person purchasing the same shall have full Power to take, carry away, and dispose of the same for his own Use, and the Money arising from the Sale thereof shall be applied towards defraying the Expenses of the Execution of this Act, other than the Sewerage Expenses.

Refuse collected to be vested in Vestry or District Board, who may dispose of the same towards defraying their Expenses.

CXXV. In case any Scavenger be required by the Owner or Occupier of any House or Land to remove the Refuse of any Trade, Manufacture, or Business, or of any Building Materials, such Owner or Occupier shall pay to the Scavenger a reasonable Sum for such Removal, such Sum, in case of Dispute, to be settled by Two Justices.

Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades.

CXXVI. If any Dispute or Difference of Opinion arise between the Owner or Occupier of any such House or Land and the Scavengers required to remove such Refuse, as to what shall be considered as Refuse, it shall be lawful for any Two Justices, upon Application made to them by either of the Parties in difference, to determine whether the Subject Matter of Dispute is or is not Refuse of Trade,

Dispute as to what is Refuse of Trade, &c. to be determined by Justices.

Manufacture, or Business, or of any Building Materials, and in every such Case the Decision of such Justices shall be final and conclusive.

Vestries and District Boards to cause Streets to be lighted.

CXXVII. Every Vestry and District Board shall cause the several Streets within their Parish or District to be well and sufficiently lighted, and for that Purpose shall maintain, or set up and maintain, a sufficient Number of Lamps in every such Street, and shall cause the same to be lighted with Gas or otherwise, and to continue lighted at and during such Times as such Vestry or Board may think fit, necessary, or proper; and all public Lamps, and the Lamp Posts and Lamp Irons and Fittings thereof, to be provided by any Vestry or District Board, shall vest in such Vestry or Board.

No Slaughter-house to be licensed under the 14th & 15th Vict. c. 61. without Notice to Vestry or District Board.

CXXVIII. Before any Licence for the Use of any Place within any Parish mentioned in either of the Schedules (A.) and (B.) to this Act as a Slaughter-house is granted by any Quarter Sessions of the Peace under the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-one, (the Metropolitan Market Act, 1851,) One Month's previous Notice of the Intention to apply for such Licence shall be given to the Vestry or District Board of the Parish or District in which such Place is situate, to the Intent that such Vestry or District Board, if they think fit, may show Cause against the Grant of such Licence.

Vestries and District Boards to appoint Medical Officers of Health.

CXXIX. Every Vestry and District Board shall from Time to Time appoint One or more legally qualified Medical Practitioner or Practitioners of Skill and Experience to inspect and report periodically upon the sanitary Condition of their Parish or District, to ascertain the Existence of Diseases, more especially Epidemics increasing the Rate of Mortality, and to point out the Existence of any Nuisance or other local Causes which are likely to originate and maintain such Diseases, and injuriously affect the Health of the Inhabitants, and to take cognizance of the Fact of the Existence of any contagious or epidemic Diseases, and to point out the most efficacious Mode of checking or preventing the Spread of such Diseases, and also to point out the most efficient Modes for the Ventilation of Churches, Chapels, Schools, Lodging Houses, and other public Edifices within the Parish or District, and to perform any other Duties of a like Nature which may be required of him or them; and such Persons shall be called "Medical Officers of Health;" and it shall be lawful for the Vestry or Board to pay to every such Officer such Salary as they think fit, and also to remove any such Officer at the Pleasure of such Vestry or Board.

CXXX. Every

Inspectors of Nuisances.

CXXX. Every Vestry and District Board shall nominate and appoint such Number of Persons to be Inspectors of Nuisances in their Parish or District as the Vestry or Board may think fit; and the Inspectors of Nuisances shall superintend and enforce the due Execution of all Duties to be performed by the Scavengers employed or contracted with under this Act, and report to the Vestry or District Board the Existence of any Nuisances; and the Vestry or Board shall require every such Inspector to provide and keep a Book in which shall be entered all Complaints made by any Inhabitant of the Parish or District of any Infringement of the Provisions of this Act, or of any Byelaws made thereunder, or of Nuisances; and every such Inspector shall forthwith inquire into the Truth or otherwise of such Complaints, and report upon the same to the Vestry or Board at their next Meeting; and such Report, and the Order of the Vestry or Board thereon, shall be entered in a Book, which shall be kept at their Office, and shall be open at all reasonable Times to the Inspection of any Inhabitant of the Parish or District; and it shall be the Duty of such Inspector, subject to the Direction of the Vestry or Board, to make Complaints before any Justices, and take legal Proceedings for the Punishment of any Person for any Offence under this Act or any such Byelaws.

Vestries and District Boards to be the Local Authorities to execute the Nuisances Removal Acts.

CXXXI. Every Vestry and District Board under this Act shall execute, within their respective Parish or District, all the Duties and Powers exercisable under the Nuisances Removal and Diseases Prevention Act, 1848, and the Nuisances Removal and Diseases Prevention Act, 1849, by any Commissioners or other Body, or any Officers having under any Act Powers of cleansing, and shall be the Local Authority to execute any Act passed or to be passed in the present Session amending or repealing the said Acts or either of them.

Added by the Lords.

Clause I. Any Vestry or District Board may put an end to any Powers of Appointment of Inspectors of Weights and Measures existing under any Local Act in their Parish or District.

If any Vestry or District Board, in whom any Duties or Powers in relation to the Appointment of Inspectors or Examiners of Weights and Measures, now vested in any Vestry, Commissioners, or other Body under any Local Act, become vested under this Act, desire that such Duties or Powers should cease, and that the Inspectors of Weights and Measures appointed at General or Quarter Sessions should act in and for the Parts to which such Local Act extends, so far as regards their Parish or District, and a Resolution to that Effect be passed by a Majority at a Meeting of the Vestry or Board specially convened for the Purpose of considering the Question of determining such Duties or Powers, of which not less than Fourteen Days Notice shall have been given, and at which there shall be present not less than Two

Two Thirds of the whole Number of the Vestry or Board, Notice of such Resolution shall be given by the Clerk of such Vestry or Board to the Clerk of the Peace for the County in which their Parish or District is situate, and such Notice shall be laid by such Clerk of the Peace before the next Court of General or Quarter Sessions of the Peace for such County; and it shall be the Duty of the Justices of the Peace for such County at such Court, or a subsequent Court of General or Quarter Sessions, and as soon as conveniently may be, to appoint an Inspector or Inspectors of Weights and Measures to act in the Parts aforesaid, so far as regards such Parish or District, in like Manner as if such Local Act as aforesaid were not in force therein; and from and after such Appointment by Justices at General or Quarter Sessions the Appointment and all Powers of Appointment of any Inspector or Examiner appointed under any such Local Act shall cease, so far as regards such Parish or District, but not so as to affect any pending Proceedings for Penalties or otherwise; and all the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, and of any Act amending the same, shall, after the Appointment by Justices at General or Quarter Sessions as aforesaid of an Inspector or Inspectors as aforesaid, apply to all Parts in such Parish or District, as if such Local Act were not in force therein.

Added by the Lords.

Duties and Powers of Metropolitan Board of Works.

Main Sewers vested in the Metropolitan Board of Works, and Power to such Board to make Sewers.

CXXXII. The Sewers mentioned in Schedule (D.) to this Act, being the Main Sewers now vested in the Commissioners of Sewers of the City of London and in the Metropolitan Commissioners of Sewers respectively, with the Walls, Defences, Banks, Outlets, Sluices, Flaps, Penstocks, Gullies, Grates, Works, and Things thereunto belonging, and the Materials thereof, with all Rights of Way and Passage used and enjoyed by such Commissioners respectively over and to such Sewers, Works, and Things, and all other Rights concerning or incident to such Sewers, Works, and Things, shall be vested in the Metropolitan Board of Works, and such Board shall make such Sewers and Works as they may think necessary for preventing all or any Part of the Sewage within the Metropolis from flowing or passing into the River Thames in or near the Metropolis, and shall cause such Sewers and Works to be completed on or before the Thirty-first Day of December One thousand eight hundred and sixty, and shall also make all such other Sewers and Works, and such Diversions or Alterations of any existing Sewers or Works vested in them under this Act, as they may from Time to Time think necessary for the effectual Sewerage and Drainage of the Metropolis, and shall discontinue, close up, or destroy such Sewers for the

the Time being vested in them under this Act as they may deem unnecessary, and such Board shall from Time to Time repair and maintain the Sewers so vested in them, or such of them as may not be discontinued, closed up, or destroyed as aforesaid; and for the Purposes aforesaid such Board shall have full Power and Authority to carry any such Sewers or Works through, across, or under any Turnpike Road, or any Street or Place laid out as or intended for a Street, as well beyond as within the Limits of the Metropolis, or through or under any Cellar or Vault under the Carriageway or Pavement of any Street, and into, through, or under any Lands whatsoever within or beyond the said Limits, making Compensation for any Damage done thereby as herein-after provided, and all Sewers and Works from Time to Time made by the said Board shall vest in them; and the said Board shall cause the Sewers vested in them to be constructed, covered, and kept so as not to be a Nuisance or injurious to Health, and to be properly cleared, cleansed, and emptied, and for the Purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under Ground, such Reservoirs, Sluices, Engines, and other Works as may be necessary, and may cause the Sewage and Refuse from such Sewers to be sold or disposed of as they may see fit, but so as not to create a Nuisance, and the Money arising thereby shall be applied towards defraying the Expenses of such Board.

Before Works for intercepting the Sewage are commenced, Plans and Estimate to be submitted to Commissioners of Works.

CXXXIII. Before the Metropolitan Board of Works commence any Sewers and Works for preventing the Sewage from passing into the Thames as aforesaid, the Plan of the intended Sewers and Works for the Purpose aforesaid, together with an Estimate of the Cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of Her Majesty's Works and Public Buildings; and no such Plan shall be carried into effect until the same has been approved by such Commissioners.

Metropolitan Board may declare Sewers to be Main Sewers, and take under their Jurisdiction Sewerage Matters under Jurisdiction of Vestries and District Boards.

CXXXIV. In case it appear to the Metropolitan Board of Works that any Sewers in the Metropolis not herein-before vested in such Board ought to be considered Main Sewers, and to be under their Management, it shall be lawful for such Board, by an Order under their Seal, to declare the same to be Main Sewers, and thereupon the same shall vest in and be under the Management of the said Board; and it shall also be lawful for the said Board by any such Order to take under their Jurisdiction and Authority any other Matters in relation to Sewerage and to Drainage with respect to which Jurisdiction or Authority is by this Act vested in any Vestry or District Board.

Metropolitan Board to make Orders for controlling Vestries and District Boards in Construction of Sewers, &c.

CXXXV. The Metropolitan Board of Works shall from Time to Time, in order to secure the efficient Maintenance of the main and general Sewerage of the Metropolis, make such General or Special Order as to them may seem proper for the Guidance, Direction, and Control of the Vestries of Parishes and District Boards in the Levels, Construction, Alteration, and Maintenance and cleansing of Sewers in their respective Parishes or Districts, and for securing the proper Connexion and Intercommunication of the Sewers of the several Parishes and Districts and their Communications with the Main Sewers vested in the said Metropolitan Board, and generally for the Guidance, Direction, and Control of Vestries and District Boards in the Exercise of their Powers and Duties in relation to Sewerage; and all such Orders shall be binding upon such Vestries and Boards.

Metropolitan Board may direct Appointments to be made for Two Parishes or Districts jointly.

CXXXVI. The Metropolitan Board of Works, where it appears to them expedient that any Officer or Set of Officers necessary for any of the Purposes of this Act should act for a larger Area than is comprised in One Parish or District, or for Parts of different Parishes or Districts, may, with the Consent of the Vestries or Boards of such Parishes or Districts, direct that such Vestries or Boards shall unite in the Appointment and Removal of such Officer or Set of Officers; and the said Metropolitan Board shall in such Case direct the Mode in which the respective Bodies or Committees thereof shall act together for the Purposes of every such Appointment and Removal, and the Proportions in which the Salary or Salaries of such Officer or Officers shall be borne and paid by every such Parish and District respectively.

Or may place a Street in different Parishes under the Management of One Vestry, or Part of a Parish under the Management of Vestry of adjoining Parish.

CXXXVII. It shall be lawful for the Metropolitan Board of Works, where it appears to them that any Street or Line of Street, being in more than One Parish or District, should be placed under the exclusive Management of One Vestry or District Board for the Purposes of paving, lighting, watering, and cleansing, or any of them, or for the Purposes of Sewerage and Drainage, or for all the Purposes of this Act, to order that the same shall be under the Management of such Vestry or Board accordingly; and it shall also be lawful for the said Metropolitan Board, where it appears to them that any Part of any Parish or District is so detached or situate that it would be convenient for the Purposes of Sewerage or Drainage that the same should be placed under the Management of the Vestry or District Board of any adjoining Parish or District, to order that such Part shall, for such Purposes, be under the Management of such Vestry or District Board.

CXXXVIII. It

Metropolitan Board to regulate naming of Streets and numbering of Houses.

CXXXVIII. It shall be lawful for the Metropolitan Board of Works from Time to Time to cause to be painted or affixed on a conspicuous Part of some House or Building at or near each End, Corner, or Entrance of every Street in the Metropolis, the Name ~~by which~~ *of* such Street ~~is to be known, and from Time to Time to alter the Name of any such Street, and to call it by~~ *and the Board may, where more than One Street in the Metropolis is called by the same Name, alter the Name of any or all such Streets, except One, to* any other Name which to such Board may seem fit, *and which may be approved by the Commissioners of Her Majesty's Works and Public Buildings; and before any Name is given to any new Street Notice of the intended Name shall be given to the said Board, and if there be any Street in the Metropolis called or about to be called by the same Name, the said Board may, by Notice in Writing stating that there is already a Street in the Metropolis called or about to be called by the same Name, and describing the Locality thereof, given to the Person by whom Notice of such intended Name was given to them, at any Time within Fourteen Days after Receipt of such last-mentioned Notice, object to such intended Name; and it shall not be lawful to set up any Name to any new Street in the Metropolis until the Expiration of Fourteen Days after Notice thereof has been given as aforesaid to the said Board, or to set up any Name objected to as aforesaid;* and the Owners or Occupiers of Houses and Buildings in ~~any such Street~~ *the several Streets in the Metropolis* shall mark such Houses or Buildings with such Numbers or Names, for the Purpose of distinguishing the same, as the said Board may direct or approve, and shall renew the Numbers or Names of such Houses or Buildings as often as they are obliterated or defaced; and if any Occupier of any such House or Building neglect for One Week after Notice from the said Board to mark such House or Building with such Number or Name as the said Board may direct or approve, or to renew the Number or Name thereof as aforesaid, he shall be liable to a Penalty of not exceeding Forty Shillings, and the said Board may cause such Number or Name to be so marked or renewed, and recover the Expense thereof from the Owner of such House or Building in manner hereinafter provided; and if any Person wilfully or maliciously destroy, pull down, obliterate, or deface *the Name of any Street in the Metropolis, or the* ~~any such~~ Name or Number *of any House or Building in any such Street,* ~~or any Part thereof~~, or paint, affix, or set up *any Name to any Street, or* any Name or Number ~~different from the Name or Number directed by the Metropolitan Board of Works~~ *to any House or Building contrary to this Enactment*, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings; and it shall be lawful for the said Board to cause such Name or Number so painted, affixed, or set up contrary to their Directions to be obliterated or destroyed.

Register to be kept of Alterations in Names of Street.

CXXXIX. The said Metropolitan Board shall keep a Register of all Alterations made by them in the Names of Streets, and such Register shall be kept in such Form as to show the Date of every such Alteration, and the Name of the Street previous to such Alteration as well as the new Name thereof.

Clause K. Buildings not to be brought beyond Line of Street.

No Building shall, without the Consent in Writing of the Metropolitan Board of Works, be erected beyond the regular Line of Buildings in the Street in which the same is situate, in case the Distance of such Line of Buildings from the Highway do not exceed Thirty Feet, or within Thirty Feet of the Highway where the Distance of the Line of Buildings therefrom amounts to or exceeds Thirty Feet, notwithstanding there being Gardens or vacant Spaces between the Line of Buildings and the Highway; and in case any Building be erected contrary to this Enactment, it shall be lawful for the Vestry or District Board in whose Parish or District such Building is situate to cause the same to be demolished or set back (as the Case may require), and to recover the Expenses incurred by them from the Owner of the Premises in manner provided by this Act. *Added by the Lords.*

Power to Metropolitan Board to make Improvements.

CXL. The Metropolitan Board of Works shall have Power to make, widen, or improve any Streets, Roads, or Ways, for facilitating the Passage and Traffic between different Parts of the Metropolis, or to contribute and join with any Persons in any such Improvements as aforesaid, and to take, by Agreement or by Gift, any Land, Rights in Land, or Property, for the Purposes aforesaid (or otherwise) for the Improvement of the Metropolis, on such Terms and Conditions as they may think fit; and such Board, where it appears to them that further Powers are required for the Purpose of any Work for the Improvement of the Metropolis or public Benefit of the Inhabitants thereof, may make Applications to Parliament for that Purpose, and the Expenses of such Application may be defrayed as other Expenses of the said Board: Provided always, that before the Metropolitan Board of Works commence any such Works the estimated Expense whereof shall exceed Fifty thousand Pounds the Plan of such Works, together with an Estimate of the Cost of carrying the same into execution, shall be submitted by such Board to the Commissioners of Her Majesty's Works and Public Buildings; and no such Plan shall be carried into effect until the same has been approved by such Commissioners; and no such Works shall be commenced in Cases where the estimated Expense thereof shall exceed the Sum of One hundred thousand Pounds without the previous Sanction of Parliament.

Determination

Determination of Metropolitan Commission of Sewers.

Powers of Metropolitan Commissioners of Sewers to cease.

CXLI. From and after the Commencement of this Act, all Duties, Powers, and Authorities vested in the Metropolitan Commissioners of Sewers shall cease to be so vested; and in the meantime, and until such Commencement, the Metropolitan Commission of Sewers, and the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, and the Acts amending the same, shall continue in force.

Actions, &c. not to abate, but to continue for or against Metropolitan Board of Works.

CXLII. No Action, Suit, Prosecution, or other Proceeding whatsoever, commenced or carried on by or against the said Commissioners, shall abate or be discontinued or prejudicially affected by the Determination of the Powers of such Commissioners, but shall continue and take effect in favour of or against the Metropolitan Board of Works in the same Manner in all respects as the same would have continued and taken effect in relation to the said Commissioners if this Act had not been passed, and the Powers of the said Commissioners had continued in full Force; and all Decrees and Orders made, and all Fines, Amerciaments, and Penalties imposed and incurred, respectively, previously to the Commencement of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative Proceedings commenced previously to the Commencement of this Act shall and may be continued, proceeded with, and completed, the Metropolitan Board of Works being, in reference to the Matters aforesaid, in all respects substituted in the Place of the said Commissioners.

Rates made by Metropolitan Commissioners of Sewers to be recoverable under this Act.

CXLIII. All Rates made by the said Commissioners previously to the Commencement of this Act, or so much thereof as may not have been levied and paid, shall be levied by and paid to the Metropolitan Board of Works, and such Board shall have the same Rights and Remedies in all respects in relation thereto as would have been had and might have been exercised by the said Commissioners; but all such Rates respectively shall, so far as Circumstances admit, be applied to the same Purposes as the same would have been applicable to in case the Powers of the said Commissioners had continued in force, and shall for the Purposes of such Application (where the Circumstances so require) be paid over by the Metropolitan Board of Works, or by their Order, to the Vestry or District Board having the Management of the Sewers in any Parish or District under this Act, or as such Vestry or Board may direct.

Property vested in Metropolitan

CXLIV. All Property, Matters, and Things whatsoever vested in the Metropolitan Commissioners of Sewers, except such Sewers as are hereby

Commissioners of Sewers (except Sewers transferred to Vestries and District Boards), transferred to the Metropolitan Board of Works.

hereby vested in any Vestry or District Board, and except such Sewer as are not within the Limits of the Parishes and Places mentioned in the Schedules to this Act, shall be vested in the Metropolitan Board of Works; and all Persons who then owe any Money to the said Commissioners of Sewers, or to any Person on behalf of such Commissioners, shall pay the same to the Metropolitan Board of Works, or as they may direct; and all Monies then due and owing by or recoverable from the said Commissioners shall be paid by or recoverable from the Metropolitan Board of Works; and all Contracts, Agreements, Bonds, Covenants, and Securities theretofore made or entered into with or in favour of or by the said Commissioners, and all Contracts, Agreements, Bonds, Covenants, and Securities made or entered with or in favour of or by any former or other Commissioners, which under the said Act of the Eleventh and Twelfth Years of Her Majesty were to take effect in favour of, against, and with reference to the said Metropolitan Commissioners of Sewers, and are now in force, shall take effect and may be proceeded on and enforced, as near as Circumstances admit, in favour of, by, against, and with reference to the Metropolitan Board of Works, as the same would have taken effect and might have been proceeded on and enforced in favour of, by, against, and with reference to the said Metropolitan Commissioners of Sewers if this Act had not been passed, and the Powers of such Commissioners had continued in full Force; and any Retiring Pension or Allowance granted under Section Twenty-seven of the said Act of the Eleventh and Twelfth Years of Her Majesty shall continue payable on the like Terms by the said Metropolitan Board of Works.

Auxiliary Powers common to the Metropolitan Board of Works and to Vestries and District Boards.

Power to Boards and Vestries to enter into Contracts for carrying Act into execution.

CXLV. The Metropolitan Board of Works, and every District Board and Vestry, may enter into all such Contracts as they may think necessary for carrying this Act into execution; and every such Contract for Works or Materials whereof the Value or Amount exceeds Ten Pounds shall be in Writing or Print, or partly in Writing and partly in Print, sealed with the Seal of the Board or Vestry; and every Contract so entered into, and duly executed by the other Parties thereto, shall be binding on the Board or Vestry and their Successors, and upon all other Parties thereto: Provided always,

Power to compound for Penalties in respect of Breach of Contracts.

that it shall be lawful for any such Board or Vestry to compound with any Contractor or other Person in respect of any Penalty incurred by reason of the Nonperformance of any Contract entered into as aforesaid, whether such Penalty be mentioned in any such Contract

Contract or in any Bond or otherwise, for such Sum of Money or other Recompence as to the Board or Vestry may seem proper.

Power to Boards and Vestries to purchase Lands, &c. for the Purposes of this Act.

CXLVI. It shall be lawful for the Metropolitan Board of Works and every District Board and Vestry to purchase, or to take on Lease for such Term as they may think fit, any Land, or any Right or Easement in or over any Land which they may deem necessary or expedient for the Formation or Protection of any Works which they are authorized to execute under this Act, also any Offices and other Buildings, Yards, Stations, or Places for Deposit of Refuse, Materials, and Things, or any Land for the Erection and Formation of such Offices and other Buildings, Yards, Stations, or Places for Deposit; and also to contract for the Purchase, Removal, or Abatement of any Milldam, Pound, Weir, Bank, Wall, Lock, or other Obstruction to the Flow of Water, whereby Sewerage or Drainage is interrupted or impeded, and for the Purchase of any Land, or any Right or Easement in or over any Land, which it may be necessary or expedient to purchase to prevent the Obstruction of Sewerage or Drainage; and also to purchase or take on Lease as aforesaid the whole or any Part of any Streams or Springs of Water, or any Rights therein, which it appears to them necessary to acquire and use for the Purposes of cleansing Sewers and Drains and the other Purposes of this Act, or any Land which is deemed by them advisable to purchase or take on Lease for the Purpose of drawing or obtaining Water from Springs, or by sinking of Wells, and for making and providing Reservoirs, Tanks, Aqueducts, Watercourses, and other Works, or for any other Purpose connected with the Works for obtaining such Supply of Water as aforesaid ~~for gratuitous Purposes~~: *Provided always, that nothing herein contained shall authorize the said Metropolitan Board, or any District Board or Vestry, to use, or permit to be used, any such Works for the Purpose of carrying Water by Supply Pipes into any House or Factory for domestic, manufacturing, or commercial Purposes.*

Incorporation of Lands Clauses Act.

CXLVII. For the Purpose of enabling the said Metropolitan Board, and every District Board and Vestry, to obtain any Land, or any Right or Easement in or over any Land, which they respectively may require for the Purposes of this Act, "The Lands Clauses Consolidation Act, 1845," except the Provisions of that Act with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, subject to the Provisions herein contained, be incorporated with this Act; and the Provisions of the said Act so incorporated with this Act which would be applicable in the Case of a Purchase of any Land shall be applicable in the Case of the Purchase of a Right or Easement in or over any Land; and for the

the Purposes of this Act the Expression "the Promoters of the Undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the Metropolitan Board, or the District Board or Vestry, acting under the Provisions of the said Act and this Act, as the Case may be.

Lands not to be taken compulsorily, except by Metropolitan Board with Consent of Secretary of State.

CXLVIII. Provided always, That the Provisions of the said Lands Clauses Consolidation Act "with respect to the Purchase and taking of Lands otherwise than by Agreement" shall not be incorporated with this Act, save for enabling the Metropolitan Board of Works to take Land, or any Right or Easement in or over Land, for the Purpose of making any Sewers or Works for preventing the Sewage or any Part of the Sewage within the Metropolis from passing into the Thames in or near the Metropolis, or otherwise for the Purpose of the Sewerage or Drainage of the Metropolis: Provided also, that no Land, or Right or Easement in or over Land, for the Purposes aforesaid, shall be taken compulsorily by the said Board, without the previous Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Previous Notice to be given.

CXLIX. The Metropolitan Board of Works, before applying for the Consent of the Secretary of State for taking Land, or any Right or Easement in or over Land, compulsorily, as aforesaid, shall publish, once at the least in each of Four consecutive Weeks, in One of the daily Newspapers published in the Metropolis, an Advertisement describing the Nature of the Works in respect of which the Land, Right or Easement, is proposed to be taken, naming a Place where a Plan of the proposed Works is open for Inspection at all reasonable Hours, and stating the Quantity of Land or the Particulars of the Right or Easement that they require for the Purpose of such Works, and shall serve a Notice on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land intended to be taken, or of the Land in or over which such Right or Easement is intended to be taken, such Service to be made Four Weeks previously to the Application to such Secretary of State, and such Notice shall state the Particulars of the Land, Right, or Easement so required, and that the Metropolitan Board are willing to treat for the Purchase thereof, and as to the Compensation to be made for the Damage that may be sustained by reason of the proposed Works.

Power to dispose of Lands or Property not wanted.

CL. The Metropolitan Board of Works, and any District Board or Vestry, may sell and dispose of any Land purchased by them under this Act, and any Property whatsoever vested in them under this Act, which it may appear to them may be properly sold or disposed of; and for completing and carrying any such Sale of any Land into effect such Board may make and execute a Conveyance of the Land sold and disposed of as aforesaid unto the Purchaser,

Purchaser, or as he shall direct, and such Conveyance shall be under the Seal of the said Board or Vestry; and the Word "grant" in such Conveyance shall have the same Operation as by the said Lands Clauses Consolidation Act, 1845, is given to the same Word in a Conveyance of Lands made by the Promoters of the Undertaking; and a Receipt under the Seal of the said Board or Vestry shall be a sufficient Discharge to the Purchaser of any such Land or any other such Property as aforesaid for the Purchase Money in such Receipt expressed to be received; and the Money arising from such Sale of any Land purchased under this Act, and (except as herein-after otherwise provided) of any such Property, shall be applied in aid of the Rate out of which the Expenses of the Purchase of such Land or providing such Property have been or are authorized to be defrayed under this Act; and the Money arising from the Sale of any Property vested in any such Board or Vestry under this Act, and which, before becoming so vested, was vested in any Commissioners or other Body, or in any Officer of any Commissioners or other Body, or in any Surveyor of Highways, shall be applied in or towards the Discharge of any Debts or Liabilities for the Discharge whereof Rates are by this Act authorized to be raised in the Parish or Part, to the Commissioners or other Body for the Management of the paving, lighting, or cleansing whereof such Property may have belonged before the Commencement of this Act, and, subject as aforesaid, shall be applied in aid of such Rate to be raised under this Act in such Parish or Part as to the Board or Vestry disposing of such Property may seem just; and any such Board or Vestry may let any Land purchased by or vested in them under this Act, and which for the Time being is not required for the Purposes thereof, in such Manner and on such Terms as such Board or Vestry may see fit.

Added by the Lords.

CLAUSE L. Owners of Land may on Sale reserve a Right of Pre-emption.

Provided always, That where any Land or any Right or Easement in or over Land is purchased by the said Metropolitan Board, or any District Board or Vestry, under this Act, it shall be lawful for the Owners of or Parties entitled to sell or convey such Land, Right, or Easement to reserve upon the Sale thereof to such Board or Vestry in and by the Conveyance such Right of Pre-emption to the Person for the Time being entitled to the Land (if any) from which the Land so purchased was severed, or in or over which such Right or Easement is granted, as is provided by Sections 128, 129, and 130 of the said Lands Clauses Consolidation Act; but, except where such Right of Pre-emption is so reserved, there shall be no such Right, notwithstanding the Incorporation of the said Lands Clauses Consolidation Act with this Act.

Penalty for withholding Property transferred

CLI. In case any Person having the Charge, Control, or Possession of any Property, Matters, or Things vested in the Metropolitan Board of Works, or the Vestry of any Parish, or any District Board

to Metropolitan Board or any Vestry or District Board.

Board, by or under this Act, neglect or refuse to give up the same, on Demand, to such Board or Vestry, or such Person as they respectively may order, every Person so offending shall, upon being convicted thereof before any Two Justices of the Peace, for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding Five Pounds as the said Justices may think fit.

Regulations as to breaking up Turnpike Roads.

CLII. The Metropolitan Board of Works, and any Vestry or District Board, may, where necessary for the Purpose of executing any Work authorized by this Act, open and break up any Turnpike Road, under and subject to the Restrictions and Provisions herein-after contained; that is to say, Seven Days previous Notice, with a full Description of any intended Works, shall be left at the Office of the Commissioners or Trustees of the Road; and, except by the Permission of the said Commissioners or Trustees, the Traffic of the Road shall not at One Time be stopped or hindered along more than Half of its Width, nor, if the Half left open be of less than the clear Width of Fourteen Feet, along more than One hundred Yards in Length; and no Alteration shall, *except by such Permission as aforesaid*, be made in the Inclination of any Part of the Road of more than One Foot in Sixty Feet; and all Work shall be done under the Superintendence of the Surveyor of the said Commissioners or Trustees; and the Party doing the Works shall cause all Openings in the Road to be effectually secured and fenced, and affix and maintain Lights during the Night near to the Place where the Ground is open, so as to prevent Accidents; and the said Commissioners or Trustees are hereby absolved from all Liability in respect of any Accident arising in consequence of such Works; and the Party doing the Works shall restore every Road so opened or broken up to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent on the Subsidence of Materials newly filled in, shall pay to such Commissioners or Trustees, on Demand, such Sum as they shall require for such Purpose, not exceeding One Shilling for every Superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the Road; and in default the Surveyor of the said Commissioners or Trustees may cause the necessary Work to be done; and in all Cases of Expense incurred by any such Surveyor, on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Provisions for defraying Expenses of Vestries and District Boards.

How Sums to be raised by Vestries and District Boards for defraying Expenses.

CLIII. Every Vestry and District Board shall from Time to Time, by Order under their Seal, require the Overseers of their Parish, or of the several Parishes in their District, to levy, and to pay over to

to the Treasurer of such Vestry or Board, or into any Bank in such Order mentioned, and within the Time or Times thereby limited, the Sums which such Vestry or Board may require for defraying the Expenses of the Execution of this Act (and such Orders may be made wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred); and every such Vestry and Board shall distinguish in their Orders Sums required for defraying Expenses of constructing, altering, maintaining, and cleansing the Sewers or otherwise connected with Sewerage, and also, where the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, or any other Act by virtue whereof Land is rated in respect of Expenses of Lighting at a less Amount in proportion to the annual Value thereof than Houses, or is wholly exempted from being rated in respect of such Expenses, is in force in any Parish, or any Part of any Parish, at the Time of the passing of this Act, distinguish, as regards such Parish, or Part, the Sums required for defraying Expenses of lighting their Parish or District from Sums required for defraying other Expenses of executing this Act; but every such Vestry and Board may cause to be raised as Expenses connected with Sewerage such Portion of the Expenses incident to the Conduct of their Business in relation to Sewerage, in common with the Conduct of their other Business under this Act, as to such Vestry or Board may seem just; and the Overseers or Collectors, in the Receipts to be given for the Sums levied or collected by them, shall distinguish the Rate in the Pound required for Sewerage Expenses, and the Rate required for the other Expenses of this Act.

Vestries and Boards may exempt Parts not benefited by Expenditure from Payment.

CLIV. Where it appears to any Vestry or District Board that all or any Part of the Expenses for defraying which any Sum is by such Vestry or Board ordered to be levied as aforesaid have or has been incurred for the special Benefit of any particular Part of their Parish or District, or otherwise have or has not been incurred for the equal Benefit of the whole of their Parish or District, such Vestry or Board may, by any such Order, direct the Sum or Sums necessary for defraying such Expenses or any Part thereof to be levied in such Part, or exempt any Part of such Parish or District from the Levy, or require a less Rate to be levied thereon, as the Circumstances of the Case may require; and any such Board may refrain, where any entire Parish ought in their Judgment to be so exempt, from issuing an Order for levying any Money thereon, notwithstanding they may issue an Order or Orders for levying Sums upon any other Parish or Parishes in their District.

Provisions for Cases where a Part of a Parish is placed

CLV. Where Part of any Parish is placed for all or any of the Purposes of this Act under the Management of the Vestry or District Board of an adjoining Parish or District, the Sums which such Vestry or

under the Management of the Vestry or Board of adjoining Parish or District.

or Board may require for defraying the Expenses of executing this Act by such Vestry or Board in the Part so placed under their Management shall be from Time to Time paid, upon their Orders, by the Vestry of the Parish whereof such Part is so placed under the Management of such other Vestry or Board, or if such Parish is comprised in a District formed by this Act then by the District Board of such District; and such Sums shall be raised by the Vestry or Board upon whom such Orders are made in like Manner as if the Expenses in respect whereof the same are required had been incurred by them in executing this Act.

Overseers to collect the Rate in the same Manner as the Poor Rate.

CLVI. The Overseers of the Poor of every Parish to whom any such Order as aforesaid is issued shall levy the Amount mentioned therein according to the Exigency thereof, and shall for that Purpose make separate equal Pound Rates upon their Parish, or the Part thereof upon which any Sum specified in such Order is required to be levied, in respect of each Sum thereby ordered to be levied; that is to say, a separate Rate in respect of each Sum ordered to be levied for defraying Expenses connected with Sewerage, to be called a Sewers Rate; a separate Rate in respect of each Sum ordered to be levied for defraying Expenses of lighting (where a separate Sum is ordered to be levied for defraying such Expenses), to be called a Lighting Rate; and a separate Rate in respect of each Sum ordered to be levied for defraying other Expenses of executing this Act, to be called a General Rate; and shall make such respective Rates of such Amount in the Pound on the annual Value of the Property rateable as will in their Judgment, having regard to all Circumstances, be sufficient to raise the Sums specified in such Order; and such Rates shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in the respective Parishes, and shall be assessed upon the net annual Value of such Property ascertained by the Rate for the Time being for the Relief of the Poor; and the said Overseers shall, for the Purpose of levying such Rates, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor; and all such Rates shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty and otherwise, as the Rate for the Relief of the Poor in the same Parish; and such Overseers shall pay to the Treasurer of the Vestry or Board, or otherwise, as in such Order directed, the Amount mentioned in the Order, within the Time or respective Times specified for that Purpose, and the Excess, if any, which may have been levied beyond such Amount, which Excess shall be placed to the Credit of the Parish or Part in which the same has been levied; and the said Overseers shall at the Time of making any such Payment deliver with the Money a Note in Writing signed by them, specifying the Amount so paid, which Note shall

shall be kept as a Voucher for the Receipt of that particular Amount; and the Receipt of the Treasurer of the Vestry or Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is so paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount.

Public Buildings and void Spaces now rateable (except Churches and Burial Grounds) to continue rateable.

CLVII. Provided always, That all such Hospitals, public Schools, and other public Buildings, dead Walls, and void Spaces of Ground as are now by Law rateable to any Rate for the Costs and Charges of paving or repairing the Pavements within any parochial or other District, either separately or jointly with any other Object or Objects, (except only Places of Religious Worship, and Burial Grounds, or Places which have been used for Burial Grounds, and are not used for any other Purpose,) shall be rateable under this Act to the like Extent and for the like Objects or Purposes as they may now be rated, and the Rates to be made in respect of such Objects or Purposes shall be payable by the Persons now liable to pay the same, and be recoverable in like Manner, as any Rate to which such Buildings and Spaces of Ground are now rateable as aforesaid in respect of the like Objects or Purposes.

Land to be rated to the Sewers Rate at One Fourth Part of its annual Value.

CLVIII. Provided also, That any Sewers Rate raised under this Act shall, as regards all Land used as Arable, Meadow, or Pasture Ground only, or as Woodland, Orchard, Market Garden, Hop, Herb, Flower, Fruit, or Nursery Ground, be assessed and levied in the Proportion of One Fourth Part only of the net annual Value of such Land.

Existing Exemptions in respect of Sewers Rate to be allowed.

CLIX. Provided also, That where any Property was at the Time of the issuing of the First Commission under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, entitled to Exemption from or to any Reduction or Allowance in respect of the Sewers Rate, such Exemption, Reduction, or Allowance shall be observed and allowed in levying any Sewers Rate under this Act.

Existing Exemptions of Land from Lighting Rates to be allowed.

CLX. Provided also, That in every Parish or Part of a Parish in which at the Time of the passing of this Act the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Ninety, is in force, the Owners and Occupiers of Houses, Buildings, and Property other than Land shall be rated to every Lighting Rate made under this Act at a Rate in the Pound Three Times greater than that at which the Owners and Occupiers of Land shall be rated in such Lighting Rate; and in every Parish or Part of a Parish in which under any other Act Land is now rated in respect of Expenses of lighting at a less Amount in proportion to the annual Value thereof than Houses, or is now wholly exempted from being

being rated in respect of such Expenses, such Land shall continue to be rated to every Lighting Rate made under this Act at such less Amount, or, where such Land is now wholly exempted as aforesaid, shall be wholly exempted from such Rate.

Overseers, on Nonpayment of the Rate, shall be distrained upon;

CLXI. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time therein specified for that Purpose, it shall be lawful for any Justice of the Peace, upon the Complaint by the Vestry or Board, or by any Person authorized by them for this Purpose, to issue his Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers; and in case the Goods of all the Overseers be not sufficient to pay the same, the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

and in default of sufficient Distress the Arrears may be levied on the Parish.

Provision for Cases where the Vestry of any Parish in Schedule (A.) make the Poor Rate.

CLXII. Where the Vestry of any Parish mentioned in Schedule (A.) to this Act make the Rate for the Relief of the Poor in such Parish, such Vestry shall from Time to Time raise and levy the Sums required for defraying their Expenses of executing this Act in like Manner as Overseers are required to do with respect to the Sums for which Orders are made upon them by any Vestry under this Act, and shall, in raising such Sums, act upon the like Principles and have the like Discretion as any Vestry making Orders upon Overseers under this Act; and where any Parishes maintain their Poor in common by a common Rate, the Orders for levying any Money by this Act directed to be made on the Overseers of such Parishes shall be made on the Overseers by Law authorized to levy such Rate thereon, and such Sums shall be levied by such Overseers, in manner provided by this Act, as if such Parishes were One Parish.

Special Persons may be appointed to levy Rates in certain Cases.

CLXIII. Any Vestry or District Board may, in case of any Default or Neglect of any Overseers to pay the Amount required by any such Order as aforesaid within the Time and in the Manner directed by such Order, and the said Metropolitan Board may, in case of any Default or Neglect of any Vestry or District Board to pay the Amount required by any Precept of the said Metropolitan Board within such Time and in such Manner as may be therein mentioned, appoint Persons to levy any Money required by such Vestry or Board for the Purposes of this Act in any Parish or District, and such Persons shall proceed in the same Manner, and have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties, with reference to the levying of such Money, as

any

any Overseers would have had or been subject to with reference to levying any such Money in pursuance of an Order of the Vestry or District Board, or, where the same might be levied by the Vestry under this Act, as such Vestry would have had or been subject to with reference to levying the same.

Provision for Deduction by Tenants of Sewers Rate.

CLXIV. As between Landlord and Tenant, every Tenant, whether his Tenancy have commenced before or after the passing of this Act, and who if this Act had not been passed would have been entitled to deduct against or to be repaid by his Landlord any Sum paid by such Tenant on account of the Sewers Rate, shall in like Manner be entitled to deduct against or to be repaid by his Landlord any Sewers Rate levied on him under this Act.

Provisions for defraying Expenses of Metropolitan Board.

Sums to be assessed upon the City and other Parts of the Metropolis by Metropolitan Board for defraying Expenses.

CLXV. The Metropolitan Board of Works shall from Time to Time ascertain and assess upon the City of London and the other Parts of the Metropolis the Sums which in their Judgment ought to be charged upon the said City and such other Parts respectively for defraying the Expenses of the said Board in the Execution of this Act, having regard to the annual Value of the Property in the several Parts of the Metropolis, and having regard, in the Case of Expenditure on Works of Drainage, to the Benefit derived from such Expenditure by the several Parts of the Metropolis affected thereby; and any such Sum may be so assessed wholly or in part in respect of Expenses already incurred or of Expenses to be thereafter incurred; and for the Purposes of such Assessment the annual Value of the Property in such several Parts shall be estimated according to the Estimate or Basis on which the County Rate is assessed, or, where there is no such County Rate, according to a like Estimate.

Right of inspecting County Rates.

CLXVI. The Clerk of the said Metropolitan Board, or any Person authorized by the said Board in this Behalf, may from Time to Time inspect any Rate made or to be made for any County any Part of which is within the Metropolis; and any Basis or Standard for the County Rate of any such County, and any Returns concerning all or any of the Parishes and Places, whether parochial or extra-parochial, in the Metropolis, delivered or to be delivered in pursuance of any Act relating to County Rates, and any Rate made by the Commissioners of Sewers of the City of London, and any Valuation on which the same is made, and may take Copies or Extracts from any such Rates, Basis or Standard, Returns or Valuation, without Payment of any Fee or Reward; and if any Person having the Custody of any such Rate, Basis or Standard, Return or Valuation, wilfully neglect or refuse to permit any such Clerk or Person authorized as aforesaid to inspect the same, or to take Copies or Extracts of or from the same,

at all reasonable Times, he shall forfeit for every such Offence any Sum not exceeding Ten Pounds.

Payment to be obtained from the City and from Parishes by Precepts to the Chamberlain of the City and to Vestries and District Boards.

CLXVII. For obtaining Payment of the Sums so assessed upon the City of London and the Parishes mentioned in Schedules (A.) and (B.) to this Act, the said Board shall issue Precepts under their Seal, requiring Payment thereof to their Treasurer, or into any Bank therein mentioned, within such Time as may be therein limited, *not being less than Thirty Days from the Date of the Precept;* and every such Precept for any Sum assessed upon the City of London shall be directed to the Chamberlain of the said City; and every such Precept for any Sum assessed upon any Parish mentioned in Schedule (A.) to this Act shall be directed to the Vestry thereof; and every such Precept for any Sum assessed upon any District mentioned in Schedule (B.) to this Act, or any Parish comprised therein, shall be directed to the Board of Works for such District; and where any such Sum is assessed upon any Part of any Parish or District, the said Metropolitan Board shall specify in their Precept the Part of such Parish or District upon which such Sum is assessed.

Payment of Sums assessed upon the City.

CLXVIII. The Chamberlain of the City of London shall, out of any Monies in the Chamber of the said City, pay to the Treasurer of the Metropolitan Board of Works, or otherwise as they may direct, the Sums required by their Precepts, within such Time as may be therein mentioned; and all Payments so made by the said Chamberlain shall be charged by him against and reimbursed to him out of any Rates which the Commissioners of Sewers of the City of London are authorized to direct to be made under any Act relating to the Sewerage of the said City; and such Commissioners shall have full Power to raise every such Sum by any such Rate which they may be authorized to direct to be made as aforesaid, or by any Addition thereto.

Payment by Vestries and District Boards of Sums assessed by Metropolitan Board.

CLXIX. All Sums which any Vestry or District Board may be required to pay by such Precepts as aforesaid shall be paid by such Vestry and Board respectively within such Time as may be therein mentioned, and shall be raised in like Manner as if the same were required by the said Vestry or Board for defraying the Expenses of such Vestry or Board in the Execution of their Powers and Duties under this Act in relation to the Sewerage of their Parish or District.

Provision for assessing and levying Rates in Places

CLXX. The Sums which may be assessed from Time to Time upon any Place mentioned in Schedule (C.) to this Act, or such Part thereof as may not be comprised within any Parish, or

or the City of London, shall be raised by means of a Rate to be made and levied as herein provided; that is to say, the said Metropolitan Board shall from Time to Time, by Warrant under their Seal, appoint a proper Person to be an Assessor, for the Purpose of assessing the full and fair annual Value of all Property in every such Place, or such Part thereof as aforesaid, which, if the same were not extra-parochial, would be liable to be rated to the Relief of the Poor, and rating the same to a Rate to be levied under this Act; and such Assessor shall, within Forty Days after the Delivery to him of the Warrant of his Appointment, make, sign, and return to the said Board an Assessment for the Place named in such Warrant; and the Assessment shall be fairly written in a Book, and shall specify, in different Columns, the Names of the respective Inhabitants or Occupiers of all Messuages, Lands, Tenements, and Hereditaments, the full and fair annual Value of the same, and the Amount of Rate charged on the Inhabitants or Occupiers thereof, and when the Premises are unoccupied, the full and fair annual Value thereof to let; and every such Assessor shall be allowed for his Trouble and Expenses such Remuneration as the said Board may think fit; and the same shall be paid out of the Amount of the Rate which shall be collected after such Assessment; *and the said Rate to be levied as aforesaid shall, for the Purposes of the Provisions of this Act relating to Exemption from and Reduction or Allowance in respect of Sewers Rate, and relating to Deduction and Repayment of Sums paid on account of Sewers Rate, be deemed a Sewers Rate.*

where there is no Poor Rate.

Mode of making the Assessment.

Allowance to Assessors.

CLXXI. Provided always, That the Places mentioned in Schedule (C.) to this Act which are not now under rating for Sewers shall not be liable to be rated under this Act, except for the Purpose of their contributing to the Expense of carrying into effect any Plan for preventing the Sewage of the Metropolis from flowing into the River Thames in or near the Metropolis, so far as such Places respectively shall be benefited.

Places in Schedule (C.) not now under rating for Sewers not to be rated except for intercepting Sewers.

CLXXII. When such Assessment has been allowed by the said Board, public Notice of such Assessment, and of the Place where the same may be inspected, shall be given by fixing such Notice on the Door of the Church or Chapel or some other conspicuous Part of the Place to which such Assessment relates, upon the Sunday next or next but one after the same has been so allowed; and any Person in whose Custody such Assessment may be shall permit every Inhabitant or Owner or Occupier of Property included in such Assessment to inspect the same, and to make any Extracts therefrom, without Payment of any Fee or Reward; and if such Person wilfully neglect or refuse to permit any such Inhabitant, Owner, or Occupier to inspect such Assessment or to make

When Assessment is made, Notice thereof to be given, and all Persons included in the Assessment to have Liberty to inspect it, &c.

Penalty for refusing such Inspection.

make any Extract therefrom, he shall, on Conviction thereof before any Two Justices of the Peace, forfeit for every such Offence such Sum, not exceeding Five Pounds, as the Justices think meet.

Collection of the Rate charged in such Assessment.

CLXXIII. The said Board shall from Time to Time nominate One or more Person or Persons for levying the Amount of Rate charged in every such Assessment, who shall proceed in the same Manner, and shall have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties, with reference to the levying of such Rate, as if he or they were an Overseer or Overseers of the Poor in a Place rated to the Relief of the Poor, and shall pay over the Amount of such Rate to the Treasurer of the said Board or otherwise as the said Board may direct, or in default thereof shall be proceeded against in the same Manner as Overseers are by this Act to be proceeded against for Nonpayment.

Appeal against Assessment.

CLXXIV. Provided always, That if any Person who has paid the Amount of Rate charged upon him by the Assessment made by an Assessor appointed under this Act think himself aggrieved by such Assessment, on the Ground that such Assessment includes Property for which he is not rateable under this Act, or that it assesses his rateable Property beyond its full and fair annual Value, or that any Person is omitted out of such Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Person so aggrieved may appeal to the next Court of General or Quarter Sessions for the County or Franchise in which the Cause of Appeal arises, not less than Twenty-one Days after public Notice of such Assessment has been given as herein-before mentioned; provided that the Person so intending to appeal shall give to the said Board a Notice in Writing of such Appeal, and of the Cause and Matter thereof, Ten clear Days at the least before such Sessions, and shall also, within Three Days after his Notice of Appeal, enter into a Recognizance before some Justice of the Peace of the County or Franchise, with Two sufficient Sureties, conditioned to try such Appeal at the said Sessions, and to abide the Order of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and in case such Person appeal on the Ground that any Person is omitted out of the Assessment, or that the Property of any Person is assessed below its full and fair annual Value, the Party so appealing shall not only give such Notice of Appeal to the said Board, and enter into such Recognizance as aforesaid, but shall also give a like Notice of Appeal to the Person so interested in the event of such Appeal as aforesaid; and the Person so interested shall, if he desire it, be heard upon the Appeal; and the Justices of the Peace at such Sessions or some Adjournment thereof, upon due Proof of the Notice having been given,

The Assessment may be altered to

given, and of the Recognizance having been entered into as aforesaid, shall hear and determine the Matter of the Appeal in a summary Manner, and shall make such Order therein, with or without Costs to either Party, as the said Justices think proper; and in case the said Justices think the Appellant entitled to Relief, they shall order the Assessment to be amended in such Manner as may be necessary for giving him Relief, and shall also order any Money paid by him which he was not liable to pay to be returned to him; and in case he have appealed on the Ground that any Person is omitted out of the Assessment, the said Justices may order the Name of such Person to be inserted in the Assessment, and to be therein rated at such Amount as they deem just; and in case the Appellant have appealed on the Ground that the Property of any Person is assessed below its full and fair annual Value, the said Justices may order the Amount at which such Person is rated in the Assessment to be altered in such Manner as they deem just; and the proper Officer of the Court shall in each of the Cases aforesaid forthwith amend the Assessment accordingly, but the Assessment shall not be quashed or altered with respect to any other Persons named therein; and the Determination of the Justices at any such Sessions or Adjournment shall be final and conclusive.

relieve the Appellant, without altering any other Part of it.

Provisions for discharging existing Liabilities of Boards or Bodies having Powers of paving, &c., and of the Metropolitan Commissioners of Sewers.

CLXXV. All Debts and Liabilities legally charged upon or payable out of any Rates or Assessments authorized to be levied or made under any Act relating to the paving, lighting, watering, cleansing, or improving of any Parish in either of the Schedules (A.) and (B.) to this Act, or any Part of any such Parish, shall be charged upon the Rates (other than those to be raised for defraying Expenses of Sewerage, and (where separate Rates are made under this Act for defraying Expenses of lighting) Expenses of lighting,) to be raised under this Act in such Parish or Part ~~thereof~~, and the several District Boards and Vestries shall cause the Sums necessary for discharging such Debts and Liabilities to be raised in their respective Districts and Parishes accordingly; and such Boards and Vestries shall once in every Year set aside, out of the Rates charged under this Act with such Debts and Liabilities, such Sum as they think proper, not being less than such Per-centage as herein-after mentioned; that is to say, Three Pounds per Centum where the Amount of Principal Debt (exclusive of Annuities) does not exceed One Fourth of the rateable Value of the Property rateable for Payment thereof, and in other Cases Two Pounds per Centum on the Amount of the Principal Debt (exclusive of Annuities), for

Provision for discharging existing Liabilities under Local Acts relating to paving, &c.

the Purpose of paying off such Principal, except where the Interest only of such Debt is charged upon such Rates or Assessments as aforesaid, and except also where any such Debt was contracted under the Authority of a Local Act, and the Local Act did not require that the Principal of such Debt should be paid off within a limited Time; and the Sums so from Time to Time set aside, and all Monies applied in augmentation thereof, and the Proceeds thereof respectively, shall be applied and dealt with, for the Purpose of paying off such Principal as aforesaid, in manner by this Act provided with respect to Sums set aside for the Purpose of providing a Fund for paying off Mortgages granted under this Act: Provided always, that where any Debts or Liabilities are charged on any Rates or Assessments not wholly levied or made in or upon any One Parish mentioned in Schedule (A.) to this Act, or any One District mentioned in Schedule (B.) to this Act, the Metropolitan Board of Works shall apportion such Debts and Liabilities between the respective Parishes and Districts in or upon which such Rates or Assessments are authorized to be levied or made, and shall certify to the District Board and Vestry respectively of every such District and Parish the Amount of the apportioned Part of such Debts and Liabilities to be discharged by Rates to be raised in such Parish or District, or any Part thereof, under this Act, and such apportioned Part shall be discharged accordingly: *Provided also, that nothing in this Enactment shall affect the Right of any Creditor to require Payment of any such Debt as aforesaid within any less Time than is prescribed by this Enactment for the Payment thereof.*

Provision for Payment of Liabilities of Metropolitan Commissioners of Sewers.

CLXXVI. Notwithstanding the Determination or Expiration of the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, all Mortgages, Annuities, Securities, and other Debts and Liabilities which at or immediately before such Determination or Expiration may be a Charge on or payable out of all or any of the Rates authorized to be levied thereunder shall continue in full Force, and be a Charge on the Districts or Parts in which such Rates would have been authorized to be levied in case such Act had continued in force, and all Persons who may be entitled to any such Mortgages, Annuities, or Debts shall have Priority in respect of all Monies advanced before the passing of this Act over any Monies advanced to the Metropolitan Board of Works under this Act, and shall have the like Priority among themselves as they are now entitled to under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, or any Act continuing or amending the same; and the Sums from Time to Time becoming payable under or required for Payment of the said Mortgages, Annuities, Securities, Debts, and Liabilities shall be raised by the Metropolitan

Metropolitan Board of Works in such Districts or Parts in like Manner as the Expenses of such Board in the Execution of this Act; and in case any such District or Part be wholly or in part without the Limits of the Metropolis, as defined by this Act, the said Metropolitan Board shall from Time to Time issue Precepts under their Seal to the Overseers of the Parish or Parishes in which any Part without such Limits is comprised, requiring Payment to the Treasurer of the said Board or into any Bank in such Precepts respectively mentioned, within such respective Times as may be therein limited, of such Sums as it may be necessary to raise in such Part for the Purposes aforesaid; and the Provisions herein contained respecting the levying and Payment of Money by Overseers in pursuance of any Order of a Vestry or District Board shall be applicable, mutatis mutandis, to and for the levying and Payment of Money by Overseers in pursuance of any such Precept as aforesaid of the said Metropolitan Board; and the said Board shall once in every Year set aside such Sum as they think proper, not being less than Two Pounds per Centum on the Amount of all Principal Monies (exclusive of Annuities) becoming payable by them under this Enactment, for the Purpose of paying off all such Principal Monies; and the Sums so from Time to Time set aside, and all Monies applied in augmentation thereof, and the Proceeds thereof respectively, shall be applied and dealt with, for the Purpose of paying off such Principal Monies as aforesaid, in manner by this Act provided with respect to Sums set aside for the Purpose of providing a Fund for paying off Mortgages granted under this Act, and the Sums to be so set aside shall be raised by such Board in manner aforesaid.

Where Expenses have been incurred by the Metropolitan Commissioners of Sewers which may now be defrayed by Improvement Rates, or as Charges for Default, such Rates or Charges to be levied by the Metropolitan Board.

CLXXVII. Where the Metropolitan Commissioners of Sewers have incurred any Expenses authorized by the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to be paid by an Improvement Rate, or as Charges for Default, it shall be lawful for the Metropolitan Board of Works to levy Improvement Rates or Charges for Default for the Recovery of the whole of such Expenses, or such Portion thereof as shall still remain due and unpaid, in the Manner directed by the said Act, and the said Board shall have all the Rights and Remedies for the Recovery thereof which are now vested in the Metropolitan Commissioners of Sewers in this Behalf.

General Powers to Metropolitan and District Boards and Vestries to borrow.

Power to Boards and Vestries to borrow

CLXXVIII. It shall be lawful for the Metropolitan Board and every District Board and Vestry, for the Purposes of defraying any Expenses incurred or to be incurred by them in the Execution of this Act, to borrow

Money on Mortgage.

borrow and take up at Interest, on the Credit of all or any of the Monies or Rates authorized to be raised by them under this Act, any Sums of Money necessary for defraying any such Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, such Board or Vestry may mortgage and assign over to the Persons by or on behalf of whom such Sums are advanced the respective Monies or Rates upon the Credit of which such Sums are borrowed; and the respective Mortgagees shall be entitled to a Proportion of the Monies or Rates comprised in their respective Mortgages, according to the Sums in such Mortgages mentioned to have been advanced; and each Mortgagee shall be entitled to be repaid the Sums so advanced, with Interest, without any Preference over any other Mortgagee or Mortgagees by reason of any Priority of Advance or the Date of his Mortgage: Provided always, that no Monies shall be so borrowed by any District Board or Vestry without the previous Sanction in Writing of the said Metropolitan Board.

No Priority amongst Mortgagees.

Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.

CLXXIX. It shall be lawful for the Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to "authorize for a further Period the Advance of Money out of the "Consolidated Fund to a limited Amount for carrying on Public "Works and Fisheries and Employment of the Poor," and any Act or Acts for amending or continuing the same, to make Advances to any such Board or Vestry upon the Security of all or any of the Monies or Rates to be raised by them under this Act, and without requiring any further or other Security than a Mortgage of such Monies or Rates.

Form of Mortgage.

CLXXX. Every Mortgage authorized to be made under this Act shall be by Deed duly stamped, truly stating the Date, Consideration, and the Time of Payment, and shall be sealed with the Seal of the Board or Vestry, and may be made according to the Form (E.) contained in the Schedule to this Act annexed, or to the like Effect, or with such Variations or Additions in each Case as the Board or Vestry and the Party advancing the Money intended to be thereby secured may agree to; and there shall be kept at the Office of the Board or Vestry a Register of the Mortgages made by them, and within Fourteen Days after the Date of any Mortgage an Entry shall be made in the Register of the Number and Date thereof, and of the Names and Descriptions of the Parties thereto, as stated in the Deed; and every such Register shall be open to public Inspection during Office Hours at the said Office, without Fee or Reward; and any Clerk or other Person having the Custody of the same, refusing

Register of Mortgages.

refusing to allow such Inspection, shall be liable to a Penalty not exceeding Five Pounds.

Repayment of Money borrowed at a Time agreed upon.

CLXXXI. The Board or Vestry making any such Mortgage, may, if they think proper, fix a Time or Times for the Repayment of all or any Principal Monies borrowed under this Act, and the Payment of the Interest thereof respectively, and may provide for the Repayment of such Monies, with Interest, by Instalments or otherwise as they may think fit; and in case the Board or Vestry fix the Time or Times of Repayment they shall cause such Time or Times to be inserted in the Mortgage Deed; and at the Time or Times so fixed for Payment thereof such Principal Monies and Interest respectively shall, on Demand, be paid to the Party entitled to receive the same accordingly; and if no other Place of Payment be inserted in the Mortgage Deed, the Principal and Interest shall be payable at the principal Office of the Board or Vestry; and unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half yearly; and if no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed, the Party entitled to receive such Money may, at the Expiration or at any Time after the Expiration of Twelve Months from the Date of such Deed, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Months previous Notice for that Purpose; and in the like Case the Board or Vestry may at any Time pay off the Money borrowed, on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be given in manner herein provided for Service of Notices on the Board or Vestry, and if given by the Board or Vestry shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee or his Residence be unknown to them, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the London Gazette; and if the Board or Vestry have given Notice of their Intention to pay off any such Mortgage at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable thereon, unless, on Demand of Payment made pursuant to such Notice, or at any Time thereafter, the Board or Vestry fail to pay the Principal and Interest due at the Expiration of such Notice on such Mortgage.

Interest on Mortgages to be paid half yearly.

As to Repayment of Money borrowed when no Time has been agreed upon.

Interest to cease on Expiration of Notice to pay off a Mortgage Debt.

Power to borrow to pay off existing Securities.

CLXXXII. It shall be lawful for the said Metropolitan Board, with respect to any Security granted by the Metropolitan Commissioners of Sewers, or granted by such Board under this Act, and for every District Board and Vestry, with respect to any Security for any existing Debt or Liability which such Board or Vestry are by this

Act required to discharge, and any Security granted by such Board or Vestry under this Act, to raise and borrow the Monies necessary for paying off such Security, and to pay off the same; and the Monies borrowed for the Purpose of such Payment shall be secured and repaid in like Manner as if borrowed for defraying the Expenses of the Execution of this Act: Provided always, that nothing herein contained shall extend to authorize the paying off of any Security otherwise than in accordance with the Provisions thereof.

Payment of Principal and Interest may be enforced by the Appointment of a Receiver.

CLXXXIII. If at the Expiration of Six Months from the Time when any Principal Money or Interest has become due upon any Mortgage made under this Act or under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, or any Act continuing or amending the same, and after Demand in Writing, the same be not paid, the Mortgagee may, without Prejudice to any other Mode of Recovery, apply for the Appointment of a Receiver to Two Justices, who are hereby empowered, after hearing the Parties, to appoint, in Writing under their Hands and Seals, some Person to collect and receive the whole or a competent Part of the Monies or Rates liable to the Payment of the Principal or Interest in respect of which the Application is made, until such Principal or Interest, or both, as the Case may be, together with the Costs of the Application and the Costs of Collection, are fully paid; and upon such Appointment being made all such Monies or Rates, or such competent Part thereof as aforesaid, shall be paid to the Person appointed, and when so paid shall be so much Money received by or to the Use of the Mortgagee or Mortgagees, and shall be rateably apportioned between or among them, but subject and without Prejudice to such Rights of Priority, if any, as shall then be subsisting between the Mortgagees or any of them: Provided always, that no Mortgagee shall be prejudiced, either directly or indirectly, by any Loss which may be occasioned by the Misapplication or Nonapplication of any Monies or Rates received by any Receiver appointed otherwise than upon the Application or with the express Consent of such Mortgagee, or by any Act, Deed, Neglect, or Default on the Part of such Receiver, but such Loss shall be wholly borne by the Mortgagee or Mortgagees upon whose Application or with whose express Consent such Receiver was appointed: Provided also, that no such Application shall be entertained unless the Sum or Sums due and owing to the Applicant amount to One thousand Pounds, or unless a joint Application be made by Two or more Mortgagees to whom there may be due, after such Lapse of Time, and Demand, as last aforesaid, Monies collectively amounting to that Sum.

CLXXXIV. Any

Transfer of Mortgages.

CLXXXIV. Any Mortgagee or other Person entitled to any Mortgage under this Act may transfer his Estate and Interest therein to any other Person by Deed duly stamped, truly stating its Date, the Names and Descriptions of the Parties thereto, and the Consideration for the Transfer; and such Transfer may be according to the Form contained in the Schedule (F.) to this Act annexed, or to the like Effect; and there shall be kept at the Office of every Board and Vestry making any Mortgages under this Act a Register of the Transfers of such Mortgages; and within Thirty Days after the Date of any such Deed of Transfer, if executed within the United Kingdom, or within Thirty Days after its Arrival in the United Kingdom if executed elsewhere, the same shall be produced to the Clerk of the Board or Vestry making the Mortgage; and such Clerk shall, upon Payment of the Sum of Five Shillings, cause an Entry to be made in such Register of its Date, and of the Names and Description of the Parties thereto, as stated in the Transfer; and upon any Transfer being so registered, the Transferee, his Executors, Administrators, or Assigns, shall be entitled to the full Benefit of the original Mortgage, and the Principal and Interest secured thereby; and every such Transferee may in like Manner transfer his Estate and Interest in any such Mortgage; and no Person, except the Person to whom the same has been last transferred, his Executors, Administrators, or Assigns, shall be entitled to release or discharge any such Mortgage, or any Money secured thereby.

Register of Transfers.

Sinking Fund to be formed for paying off Mortgages.

CLXXXV. For the Purpose of providing a Fund for paying off Mortgages granted under this Act, the Board or Vestry granting such Mortgage shall once in every Year set aside, out of the Monies or Rates charged thereby, such Sum as they think proper, being not less than Two Pounds per Centum on the Amount of the Principal Monies secured thereby; and the Sum so from Time to Time set aside, and all other Monies applied by the Board or Vestry in augmentation of the said Fund, shall be applied, in the Manner hereinafter directed, in Payment, so far as the same will extend, of the Principal Money secured by such Mortgages, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of the Board or Vestry; and the Dividends and Interest of the Monies so invested, when and as the same become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund amounts to a Sum which, in the Opinion of the Board or Vestry, can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon

whereon the same is invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the said Principal Monies, and so from Time to Time until the whole of the said Principal Monies are discharged.

Mode of paying off Mortgages.

CLXXXVI. When and as often as the Board or Vestry are enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put in a Box, and the Clerk of the said Board or Vestry shall, at a Meeting of the Board or Vestry, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall be paid off by the Board or Vestry; and after every such Ballot the Board or Vestry shall cause a Notice, signed by the Clerk, to be given to the Person entitled to the Money to be paid off, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of Six Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said Six Months, shall nevertheless be payable, on Demand.

Audit of Accounts.

Accounts of Metropolitan Board, District Boards, and Vestries to be balanced up to the End of each Year.

CLXXXVII. The Metropolitan Board of Works, every District Board, and the Vestry of every Parish mentioned in either of the Schedules (A.) and (B.) to this Act, shall, in the Month of April in every Year, cause their Accounts to be balanced up to the Twenty-fifth Day of March next preceding, and shall cause a full Statement and Account to be drawn out of the Amount of all Contracts entered into, and of all Monies received and expended, by them during the preceding Year, under the several distinct Heads of Receipt and Expenditure, and also of all Arrears of Rates and other Monies then owing to such respective Board or Vestry, and of all Mortgages and other Debts and Liabilities then owing by such Board or Vestry: *Provided always, that where by reason of the Time established by or under any Local Act for making and collecting Rates in any Parish the Time hereby fixed for making up the Accounts is inconvenient,*

venient, it shall be lawful for the Metropolitan Board of Works to order that the Time of making up such Accounts in such Parish shall be altered as to the said Board may appear convenient.

Auditor of Accounts of Metropolitan Board to be appointed by Secretary of State, and remunerated by the Board.

CLXXXVIII. One of Her Majesty's Principal Secretaries of State shall, in the Month of April in every Year, by Order under his Hand, appoint some fit Person to be the Auditor of the Accounts of the said Metropolitan Board for the preceding Year; and every such Auditor shall be paid by such Board *not exceeding* Five Guineas for every Day he is fully employed on such Audit, and all Expenses he is put to in the auditing of such Accounts; provided always, that such Payment shall not exceed Fifty Guineas.

Auditors to be elected annually by the District Boards.

CLXXXIX. Every District Board shall, in the Month of April in every Year, elect by Ballot from among the Persons acting as Auditors for the Parishes in the District Three Persons, not being Members of such Board, to be Auditors for the current Year of the Accounts of such Board; and in case of the Death of any such Auditor the Board by whom he was elected shall forthwith elect in a similar Manner some other such Person as aforesaid in his Place, and the Powers hereby given to the said Auditors may be exercised by any Two of them.

Audit of Accounts.

CXC. The Auditor of the Accounts of the said Metropolitan Board, and the Auditors of the Accounts of every District Board and every such Vestry as aforesaid, shall, in the Month of May, on such Day or Days as shall be fixed by him or them for the Audit of such respective Accounts, attend at the Office or principal Office of the Metropolitan Board of Works, or of such District Board or Vestry, (as the Case may require,) for the Purpose of auditing their Accounts; and such respective Boards and every such Vestry shall, by their Clerks, Treasurers, and other Officers, produce and lay before such Auditor or Auditors at every such Audit their Accounts for the Year preceding, together with the Statement and Account herein-before mentioned, accompanied by proper Vouchers for the Support of the same, and submit to his or their Inspection all Books, Papers, Instruments, and Writings in their Custody or Control relating thereto; and such Auditor or Auditors, in the Presence of such of the Members of such respective Boards or Vestries and of the Ratepayers and Creditors on the Rates as desire to attend, shall audit the Accounts herein-before mentioned, and may examine any of the Members of such respective Boards or Vestries or their Officers whom he or they shall deem accountable (and whom he and they is and are hereby empowered to summon, by Writing under his or their Hand or Hands, or under the Hand of any One of them, to appear before him or them for the Purpose of such Examination,) touching the said Accounts, and shall also hear any Complaint which any such Rate-

payer or Creditor shall at the Time of such Audit make touching such Accounts; and such Auditor or Auditors shall have full Power to examine, audit, allow, and disallow the said Accounts and Items therein, and shall charge in such Accounts all Sums (if any) which ought to be accounted for, and are not brought into account; and if such Accounts be found correct, such Auditor or Auditors, or the major Part of them, shall sign the same in token of his or their Allowance thereof, and such Allowance shall be final and conclusive on all Parties.

Abstract of Accounts to be made.

CXCI. The Auditor or Auditors of the Accounts of the Metropolitan Board of Works, and of every District Board and Vestry, shall, after such Audit of Accounts as aforesaid, cause an Account in abstract to be prepared, showing the Receipt and Expenditure under this Act for the preceding Year, under the several distinct Heads of Receipt and Expenditure, with the Statement of the Allowance of the Auditor or Auditors, if he or they has or have allowed such Accounts, or of the Parts, if any, which he or they have disallowed of such Accounts, and also a summary Statement of all Contracts entered into by such Board or Vestry in such preceding Year, and of the Monies owing to and Debts and Liabilities owing by such Board or Vestry on the Twenty-fifth Day of March next preceding.

Accounts of other Parochial Boards to be audited by the Auditors elected under this Act.

CXCII. In all Parishes mentioned in the Schedules (A.) and (B.) to this Act, in which other Boards have Control over any Part of the Parochial Expenditure, the Auditors of Accounts of the Parish elected under this Act shall have the same Power of examining the Accounts and Officers of the said Boards as of examining the Accounts and Officers of the Vestry, and shall audit the Accounts of the said Boards in the same Manner as they audit the Accounts of the Vestry, and the Accounts of the said Boards shall not be subject to any other Audit: Provided always, that nothing herein contained shall apply to Accounts which if this Act had not been passed would have been subject to the Audit of any Auditor already or hereafter appointed under the Authority of the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six, or any Act incorporated therewith.

Annual Reports.

Annual Reports by Vestries and District Boards.

CXCIII. Every such Vestry as aforesaid and District Board shall in the Month of June in every Year cause to be printed the said Account in abstract and summary Statement for the preceding Year, relating to such Vestry or Board, and also make and cause to be printed therewith a Report of their Proceedings in the Execution of this Act, and of the Works commenced and completed respectively in the preceding Year by such Vestry or Board, and the Works remaining in progress at the Termination of such Year, and also

also of any Proceedings taken by them or under their Authority in the preceding Year, in pursuance of any Regulations of the General Board of Health for the Time being in force, or otherwise, for the Removal of Nuisances or the Improvement of the Sanitary Condition of their Parish or District; *and to every such Report there shall be appended a Copy of every Report made to such Vestry or Board during the preceding Year by the Officer or Officers of Health for their Parish or District;* and every such Vestry and Board shall in the said Month of June send a Copy of every such Account in abstract, Statement, and Report, together with a printed List of the Names and Addresses of the Members of such Vestry and Board, and of their Officers, to the Metropolitan Board of Works; and every Vestry and District Board shall permit Inspection at their Office of a Copy of any such Account in abstract, Statement, and Report by any Ratepayer in their Parish or District, without Payment, at all reasonable Times, and shall also permit the like Inspection by the Public generally of such List of Officers; and Copies of such Account in abstract, Statement, and Report, and List of Officers, shall be delivered to any Person applying for the same, on Payment of such reasonable Sums, not exceeding Twopence for each such Copy, as may be fixed by such Vestry or Board in this Behalf.

Vestry to make out and publish yearly a List of Estates, Charities, and Bequests, &c., with the Application thereof.

CXCIV. Every such Vestry as aforesaid shall cause to be made out once at least in every Year a List of the several Freehold, Copyhold, and Leasehold Estates, and of all Charitable Foundations and Bequests, if any, belonging to the Parish, and under the Control of the Vestry, the List to contain a true and detailed Account of the Place where such Estate or Charitable Foundation may be situate, or in what Mode and Security such Bequest may be invested, specifying also the yearly Rental of each, and the particular Appropriation thereof, together with the Names of the Persons partaking of their Benefit (except where such Benefit shall be allotted to the Poor of the Parish generally), and to what Amount in each Case, and also stating the Name and Description of the Persons in whom such Estates are vested, and the Names and Description of the Trustees for each Charity; and such Lists shall be open for the Inspection of the Ratepayers at the Office of the Vestry Clerk at the same Time with the Accounts when audited according to the Provisions of this Act.

Annual Report of Metropolitan Board of Works.

CXCV. The Metropolitan Board of Works shall, in the Month of June in every Year, make a Report of their Proceedings in the Execution of this Act, and shall in the said Month send a Copy thereof, together with a Copy of the said Account in abstract and summary Statement for the preceding Year relating to such Board, to One of Her Majesty's Principal Secretaries of State, to the Commissioners of Her Majesty's Works and Public Buildings, to the General

Board of Health, to the Lord Mayor of the City of London, and to each of the Vestries and District Boards in the other Parts of the Metropolis.

Reports, &c. of Metropolitan Board to be laid before Parliament.

CXCVI. Every such Report, Account in abstract, and Statement to be sent to One of Her Majesty's Principal Secretaries of State as aforesaid shall be laid before both Houses of Parliament within One Month after the Receipt thereof if Parliament be sitting, or if Parliament be not sitting, then within One Month after the next Meeting of Parliament.

Byelaws.

Power to Metropolitan Board of Works to make Byelaws.

CXCVII. The Metropolitan Board of Works and every District Board and Vestry respectively may from Time to Time make, alter, and repeal Byelaws for all or any of the Purposes following; (that is to say,) for regulating the Business and Proceedings at their Meetings and of Committees appointed by them, the Appointment and Removal of their Officers and Servants, and the Duties, Conduct, and Remuneration of such Officers and Servants; and the said Metropolitan Board may also from Time to Time make, alter, and repeal Byelaws for regulating, ~~in regard to Drainage,~~ the Plans, Level, Width, Surface Inclination, and the Material of the Pavement and Roadway of new Streets and Roads, and the Plans and Level of Sites for building, and for regulating the Dimensions, Form, and Mode of Construction, and the keeping, cleansing, and repairing, of the Pipes, Drains, and other Means of communicating with Sewers, and the Traps and Apparatus connected therewith; for the emptying, cleansing, closing, and filling up of Cesspools and Privies; and for other Works of cleansing, and of removing and disposing of Refuse, and for regulating the Form of Appeal and Mode of proceeding thereon; and generally for carrying into effect the Purposes of this Act; and every such Board and Vestry may thereby impose such reasonable Penalties as they think fit, not exceeding Forty Shillings, for each Breach of such Byelaws, and in case of a continuing Offence a further Penalty not exceeding Twenty Shillings for each Day after Notice of the Offence from the Board or Vestry: Provided always, that under every such Byelaw it shall be lawful for the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty: Provided also, that no Byelaws shall be repugnant to the Laws of England or to the Provisions of this Act; and that no Byelaw shall be of any Force or Effect unless and until the same be submitted to and confirmed at a subsequent Meeting of the Board or Vestry: Provided also, that no Penalty shall be imposed by any such Byelaw unless the same be approved by One of Her Majesty's Principal Secretaries of State.

Penalty for Breach of Byelaws.

Power to Justices to remit Penalties.

CXCVIII. All

Publication of Byelaws.

CXCVIII. All Byelaws made and confirmed as aforesaid in pursuance of this Act shall be printed, and hung up in the principal Office of the Board or Vestry, and be open to public Inspection without Payment, and Copies thereof shall be delivered to any Person applying for the same, on Payment of such Sum, not exceeding Twopence, as the Board or Vestry shall direct; and such Byelaws, when so published, shall be binding upon and be observed by all Parties, and shall be sufficient to justify all Parties acting under the same; and the Production of a printed Copy of such Byelaws, authenticated by the Seal of the Board or Vestry, shall be Evidence of the Existence, and of the due making, Confirmation, and Publication of such Byelaws, in all Prosecutions under the same, without adducing Proof of such Seal or of the Fact of such Confirmation or Publication of such Byelaws.

Evidence of Byelaws.

Provisions for Protection of Property and Works of Metropolitan and District Boards and Vestries, and preventing Obstruction in Execution of Works.

Clause M. Buildings not to be made over Sewers.

No Building shall be erected in, over, or under any Sewer vested in the Metropolitan Board of Works, or in any Vestry or District Board, without their Consent first obtained in Writing, and if any Building be erected contrary to this Provision the Board or Vestry in whom such Sewer is vested may demolish the same, and the Expenses incurred thereby shall be paid by the Person erecting such Building.

Penalty on Persons sweeping Dirt into Sewers.

CXCIX. No Scavenger or other Person shall sweep, rake, or place any Soil, Rubbish, or Filth, or any other Thing, into or in any Sewer or Drain, or over any Grate communicating with any Sewer or Drain, or into any Dock or Inlet communicating with the Mouth of any Sewer or Drain, or into which any Sewer or Drain may discharge its Contents, or into the River Thames contiguous thereto; and every Scavenger or other Person who shall so offend shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty for wilfully damaging, &c. Lamps or other Property of Vestries or District Boards, or of the Metropolitan Board.

CC. If any Person wilfully take away, break, throw down, or damage any Lamp set up for lighting any of the Streets in any Parish mentioned in either of the Schedules (A.) and (B.) to this Act, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, or wilfully damage any other Property vested in any Vestry or District Board, or any Property vested in the said Metropolitan Board, it shall be lawful for any Person who sees such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey him, or to deliver him into the Custody of a Police Officer in order to be secured and conveyed,

before some Justice; and if the Party accused be convicted of such Offence he shall forfeit the Sum of Forty Shillings, and shall also pay to such Vestry or Board the Amount of Damage done.

Persons carelessly or accidentally damaging Lamps, &c. to make Satisfaction.

CCI. In case any Person carelessly or accidentally break, throw down, or damage any such Lamp, or the Iron or other Furniture thereof, or other such Property as aforesaid, he shall pay the Amount of Damage done.

Penalty on interrupting Workmen, &c. in Execution of Duties.

CCII. If any Person at any Time obstruct, hinder, or molest any Surveyor, Inspector, Collector, or other Officer, Workman, or Person whomsoever, employed by virtue of this Act, in the Performance or Execution of his Duty, every such Person so offending shall for the First Offence forfeit and pay the Sum of Five Shillings, for the Second Offence the Sum of Twenty Shillings, and for any subsequent Offence the Sum of Five Pounds.

Penalty upon Occupiers obstructing Execution of Works, or not disclosing Owner's Name.

CCIII. If the Occupier of any Premises prevent the Owner thereof from carrying into effect, with respect to such Premises, any of the Provisions of this Act, or any Order of any Vestry or District Board made in pursuance thereof, he shall be liable to a Penalty not exceeding Five Pounds for every Day during the Continuance of such Refusal or Neglect; and if the Occupier of any Premises, when requested by or on behalf of the Vestry or District Board to state the Name and Description of the Owner of the Premises occupied by him, refuse or wilfully omit to disclose or wilfully mis-state the same, it shall be lawful for any Justice to summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons; and if the Party so summoned neglect or refuse to attend at the Time and Place so appointed, or if he do not show good Cause for such Refusal, or if such wilful Omission or Mis-statement be proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding Five Pounds.

Savings in Local Acts applicable to Commissioners of Sewers to apply to Metropolitan and District Boards and Vestries.

CCIV. All Savings and Provisions in Turnpike, Railway, Waterworks, Improvement, and other Acts, saving and providing for the Rights, Powers, and Authorities of the Commissioners of Sewers for any of the Parts which shall be within the Metropolis as defined by this Act, shall, so far as the same are not inconsistent with the Provisions of this Act, continue and be in force in favour of and with reference to the Metropolitan Board of Works and the several District Boards of Works and Vestries having the Management of Sewers under this Act, and in favour of the Commissioners of Sewers of the City of London, so far as such Savings and Provisions respectively are

now

now applicable to them, or to any Officer or Person so continued by the said Board.

Appeals.

Power to appeal against Orders and Acts of Vestries and District Boards in relation to Construction of Works.

CCV. Any Person who deems himself aggrieved by any Order of any Vestry or District Board in relation to the Level of any Building, or any Order or Act of any Vestry or District Board in relation to the Construction, Repair, Alteration, stopping or filling up, or Demolition of any Building, Sewer, Drain, Watercloset, Privy, Ashpit, or Cesspool, may, within Seven Days after Notice of any such Order to the Occupier of the Premises affected thereby, or after such Act, appeal to the Metropolitan Board of Works against the same; and all such Appeals shall stand referred to the Committee appointed by such Board for hearing Appeals as herein provided; and such Committee shall hear and determine all such Appeals, and may order any Costs of such Appeals to be paid to or by the Vestry or District Board by or to the Party appealing, and may, where they see fit, award any Compensation in respect of any Act done by any such Vestry or District Board in relation to the Matters aforesaid; provided that no such Compensation shall be awarded in respect of any such Act which may have been done under any of the Provisions of this Act on any Default to comply with any such Order as aforesaid, unless the Appeal be lodged within Seven Days after Notice of such Order has been given to the Occupier of the Premises to which the same relates.

Metropolitan Board to appoint a Committee for hearing Appeals.

CCVI. The Metropolitan Board of Works shall appoint a Committee for the Purpose of hearing all such Appeals as may be made to the said Board as aforesaid, which Committee shall have Power to hear and decide all such Appeals, and the Metropolitan Board of Works shall from Time to Time fill up any Vacancy in such Committee, and the Chairman of the said Board shall, by virtue of his Office of Chairman, be a Member of the said Committee in addition to the Members appointed by the said Board, and shall preside at all Meetings of such Committee at which he is present; and in case of a Vacancy in the Office of such Chairman, or, in his Absence, some other Member of the Committee shall be chosen to preside, and all the Powers of such Committee may be exercised by any Three of them, and any Member of such Committee may at any Time resign his Office.

Retiring Allowances to Officers of Commissioners of Sewers, and Compensations to other Officers.

Power to grant retiring Allowances to Persons employed under

CCVII. The Metropolitan Board of Works may, if they deem it just, order the Payment of Retiring Pensions or Allowances, of such Amounts and upon such Terms as they deem just, to any Officers or Persons who have been employed under the Metropolitan Commissioners

Metropolitan Commissioners of Sewers.

missioners of Sewers, and who shall not continue to be employed by the Metropolitan Board of Works, *or to any Officer or Person continued by the said Board*, having regard in the Case of Persons who have been employed under any of the Commissions determined by the issuing of the First Commission under the said Act of the Eleventh and Twelfth Years of Her Majesty, Chapter One hundred and twelve, to their Employment under any of such Commissions, as well as under the said Metropolitan Commissioners of Sewers, and to pay such Pensions or Allowances out of such Monies raised by the said Metropolitan Board under this Act as to them may seem meet.

Compensation to Officers of Paving Boards.

CCVIII. Every Officer to any Commissioners, Vestry, or other Body whose Powers in relation to paving, lighting, watering, cleansing, or improving, or otherwise in relation to the Regulation, Government, or public Concerns of any of the Parishes mentioned in either of the Schedules (A.) and (B.) to this Act, or any Part of any of such Parishes, are determined by this Act, and any paid Surveyor of Highways of any of such Parishes shall be entitled within Six Months after the Commencement of this Act to make a Claim for Compensation in respect of any Loss of Emoluments arising from the passing of this Act, such Claim to be made to the Vestry of the Parish in case the Office of the Claimant existed in any Parish mentioned in the said Schedule (A.), and in other Cases to the District Board of the District in which the Office existed; and it shall be lawful for such Vestry or Board respectively to inquire in such Manner as they think fit, what were the Nature and Tenure of the Office and the Period for which the same has been holden by the Claimant, and what were the lawful Emoluments in respect of which Compensation should be awarded; and the Vestry or District Board shall award a gross or yearly Sum, and, in the Case of a yearly Sum, for such Time as they think just upon consideration of the special Circumstances of each Case; but no such Award shall be final until confirmed by the Metropolitan Board of Works, and One Month before any such Award is taken into consideration by such Board Notice of such Award shall be given to the Party in whose Favour the same is made, and such Board shall take into consideration any Representations which may in the meantime be made to them by the Party in whose favour the Award is made, and by the Vestry or District Board making the same, and such further Information or Representations in relation to the Matter of any such Award as the said Metropolitan Board may see fit to require or receive; and such Board may confirm such Award with or without any Alteration therein as to them may seem just; and any Person making any such Claim to Compensation whose Claim is rejected by any Vestry or District Board may, within One Month after Notice to him of the Rejection thereof,

appeal

appeal against the Determination of such Vestry or District Board to the Metropolitan Board of Works, and such Board shall consider all the Circumstances of the Case, and may, if it appear to them just, award Compensation to the Claimant in like Manner as the Vestry or District Board are herein empowered to do; and the Determination or Award of the said Metropolitan Board in reference to such Claim shall be final; and all Compensation awarded as aforesaid shall be paid out of the general Rates to be levied under this Act in the Parish or particular Part of any Parish to which the Office in respect whereof the Compensation is awarded related, so as to charge such Parish or particular Part therewith in exoneration of other Parishes and Parts: Provided always, that if any Person to whom a yearly Sum is awarded by way of Compensation as aforesaid be appointed to any Office or Employment under the Vestry of any of the said Parishes, or under any District Board, or the Metropolitan Board of Works, or in the Public Service, the Payment of the Compensation so awarded shall be suspended so long as he continues to hold such Office or Employment if the Emoluments thereof be equal to or greater than the Amount of the Emoluments of the Office formerly held by him, and in case the Emoluments of the Office or Employment to which he is appointed be not equal in Amount to those of his former Office, then no more of such Compensation shall be paid to him than will, with the Salary of his new Appointment, be equal to the Emoluments of his former Office.

Miscellaneous Clauses.

Where Two or more Persons are to do any Act or pay any Sum of Money, Vestry or District Board may apportion the same.

CCIX. Where, under the Authority of this Act, Two or more Persons are or may be directed by any Vestry or District Board to do or join in doing any Act, or to pay or join in paying any Sum of Money, Costs, or Expenses, or where any Vestry or District Board are authorized or think proper to permit Two or more Persons to join together in doing any Act, or paying any Sum of Money, Costs, or Expenses, it shall be lawful for the Vestry or District Board to apportion the Matter to be done, or the Sum of Money, Costs, or Expenses to be paid, between such Persons, in such Manner as the Vestry or Board consider just and reasonable.

Power to Vestries and District Boards to spread Repayment of Expenses over a Period not exceeding Twenty Years.

CCX. In all Cases where any Vestry or District Board is authorized to order any Costs, Charges, or Expenses to be paid by private Parties it shall be lawful for such Vestry or District Board to order and accept Payment of such Costs, Charges, Expenses, together with Interest thereon after a Rate not exceeding Five Pounds for the Hundred by the Year, by Instalments, within such Period, not exceeding Twenty Years in each Case, as they may determine, the Amount thereof

thereof to be recoverable in the same Manner as other Expenses are to be recovered under this Act.

Occupiers to pay Expenses for which Owners are liable, and to be reimbursed out of the Rent.

CCXI. It shall be lawful for any Vestry or District Board to require the Payment of any Costs or Expenses which the Owner of any Premises may be liable to pay under this Act from any Person who then or at any Time thereafter occupies such Premises; and the Owner shall allow every such Occupier to deduct all Sums of Money which he so pays, or which are levied by Distress, out of the Rent from Time to Time becoming due in respect of the said Premises, as if the same had been actually paid to such Owner as Part of such Rent.

Occupier not to be required to pay more than the Amount of Rent owing by him.

CCXII. Provided always, That no such Occupier shall be required to pay any further Sum than the Amount of Rent for the Time being due from him, or which, after such Demand of such Costs or Expenses from such Occupier, and after Notice not to pay his Landlord any Rent without first deducting the Amount of such Costs or Expenses, becomes payable by such Occupier, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Vestry or District Board, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier.

Agreements between Landlord and Tenant not to be affected.

CCXIII. Provided also, That nothing herein contained shall be taken to affect any Contract made or to be made between any Owner and Occupier of any House, Building, or other Property whereof it is or may be agreed that the Occupier shall pay and discharge all Rates, Dues, and Sums of Money payable in respect of such House, Building, or other Property, or to affect any Contract whatsoever between Landlord and Tenant

Service of Notices, &c. on Metropolitan and District Boards and Vestries.

CCXIV. Any Summons or Notice, or any Writ or other Process at Law or in Equity, or any other Matter or Thing whatsoever, required to be served upon the Metropolitan Board of Works or any District Board or Vestry, may, unless herein otherwise provided, lawfully be served by delivering the same personally to the Clerk of such respective Board or Vestry, or by leaving the same at the principal Office of such Board or Vestry.

As to Service of Notices on Owners and

CCXV. All Notices by this Act required to be given to the Owner or Occupier of any Land or Premises, or other Person, may be

be served personally on such Owner, Occupier, or Person, or left with some Inmate of his Place of Abode, and any Notice required to be given to any such Owner or Occupier may, if there be no Occupier, be affixed to some conspicuous Part of the Land or Premises, and it shall not be necessary in any Notice to any Owner or Occupier of any Land or Premises to name such Owner or Occupier: Provided always, that where there is no Occupier, and the Owner of any such Land or Premises, and his Place of Abode *or that of his Agent* is known to the Vestry or Board by or on behalf of whom such Notice is given, or any of their Officers, such Notice shall be served on such Owner personally, or left with some Inmate of his Place of Abode, or transmitted to such Owner through the Post Office, addressed to him at his Place of Abode or last known Place of Abode in ~~England~~, *the United Kingdom, or served on his Agent as aforesaid.* Occupiers and other Persons.

CCXVI. Every Notice, Demand, or like Document given by or on behalf of the Metropolitan Board of Works, or any Vestry or District Board, under this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by their Clerk or by the Officer by whom the same is given. Authentication of Documents.

CCXVII. If any Person against whom the Metropolitan Board of Works, or any District Board or Vestry, have any Claim or Demand, become bankrupt, or take the Benefit of any Act for the Relief of Insolvent Debtors, it shall be lawful for the Clerk or Collector, in all Proceedings under the Bankruptcy or Insolvency, to represent such Board or Vestry, and act in their Behalf in all respects as if such Claim or Demand were the Claim or Demand of the Clerk or Collector, and not of such Board or Vestry. Proof of Debts in Bankruptcy.

CCXVIII. If any Party have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or any Act incorporated therewith, or by virtue of any Power or Authority given by this Act or such other Act as aforesaid, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action. Tender of Amends.

CCXIX. In every Case where the Amount of any Damage, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, or the Amount of any Damage, Costs, or Expenses is by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount shall, in case of Dispute, be ascertained Compensation, Damage, and Expenses how to be ascertained and recovered.

and determined by and shall be recovered before Two Justices; and the Amount of any Compensation to be made under this Act by the said Metropolitan Board, or any Vestry or District Board, shall, unless herein otherwise provided, be settled, in case of Dispute, by and shall be recovered before Two Justices, unless the Amount of Compensation claimed exceed Fifty Pounds, in which Case the Amount thereof shall be settled by Arbitration, according to the Provisions contained in the Lands Clauses Consolidation Act, 1845, which are applicable where Questions of disputed Compensation are authorized or required to be settled by Arbitration.

Method of proceeding before Justices in Questions of Damages, &c.

CCXX. Where the Amount of any Compensation, or of any Damage, Costs, or Expenses, is to be determined by or to be recovered before Two Justices, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before Two Justices, at a Time and Place to be named in such Summons; and upon the Appearance of such Parties, or, in the Absence of either of them, upon Proof of due Service of the Summons, it shall be lawful for such Two Justices to hear and determine the Matter, and for that Purpose to examine such Parties, or any of them, and their Witnesses, on Oath, and make such Order, as well as to Costs as otherwise, as to them may seem just.

Recovery of Penalties.

CCXXI. Every Penalty or Forfeiture imposed by this Act, or by any Byelaw made in pursuance thereof, the Recovery of which is not otherwise provided for, may be recovered by summary Proceedings before any Justice in manner provided by the Act of the Session holden in the Eleventh and Twelfth Year of Her Majesty, Chapter Forty-three, "to facilitate the Performance of the Duties of Justices "of the Peace out of Sessions within England and Wales with "respect to summary Convictions and Orders."

11 & 12 Vict. c. 43.

Damages to be made good in addition to Penalty.

CCXXII. If, through any Act, Neglect, or Default on account whereof any Person has incurred any Penalty imposed by this Act, any Damage to the Property of the said Metropolitan Board, or any Vestry or District Board, has been committed by such Person, he shall be liable to make good such Damage, as well as to pay such Penalty; and the Amount of such Damage, in case of Dispute, shall be determined by the Justices by whom the Party incurring such Penalty is convicted, and the Payment of the Amount of such Damage may be enforced in all respects as such Penalty.

Transient Offenders.

CCXXIII. It shall be lawful for any Officer or Servant of the said Metropolitan Board, or any Vestry or District Board, and for any Police Constable, and all Persons called by him to his Assistance, to seize

seize and detain any Person ~~committing~~ *who has committed* any Offence against the Provisions of this Act, or any Byelaw made in pursuance thereof, and whose Name and Residence shall be unknown to such Officer or Servant or Police Constable, and convey him with all convenient Despatch before some Justice, without any Warrant or other Authority than this Act; and such Justice shall proceed with all convenient Despatch to the hearing and determining of the Complaint against such Offender.

Proceedings not to be quashed for Want of Form.

CCXXIV. No Act, Order, or Proceeding in pursuance of this Act, or in relation to the Execution thereof, shall be quashed or vacated for Want of Form, nor shall the same be removed by Certiorari or otherwise into any of the Superior Courts, except as herein specially provided.

Parties allowed to appeal to Quarter Sessions, on giving Security.

CCXXV. If any Person feel aggrieved by any Adjudication or Determination of any Justice or Justices with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General or Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after the making such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two Sureties, before Two Justices, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CCXXVI. At the General or Quarter Sessions for which such Notice is given the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid to the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable, and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

Penalties to be sued for within Six Months.

CCXXVII. No Person shall be liable to the Payment of any Penalty or Forfeiture under this Act, or any Byelaw made by virtue thereof, for any Offence made cognizable before a Justice, unless the Complaint respecting such Offence have been made before such Justice within Three Months next after the Commission or Discovery of such Offence.

Application of Penalties.

CCXXVIII. If the Application of any Penalty or Forfeiture be not otherwise provided for, One Half thereof shall go to the Informer, and the Remainder shall go to the Vestry or District Board of the Parish or District in which the Offence was committed, or if such Vestry or Board be the Informers, the whole of the Penalty recovered shall go to them; and all Sums which shall go to or be recovered by any such Vestry or Board on account of any such Penalty or Forfeiture shall be paid to their Treasurer, or otherwise into such Bank, to their Account, as they may direct, and shall be applicable to the general Expenses of the Vestry or Board; provided that in every Case where any Vestry or Board are liable to any Penalty or Forfeiture the whole of such Penalty or Forfeiture shall go to the Informer.

Special Provisions and Savings.

Clause N. Provision for joint Action of Vestries, and Elections out of Vestries under Local Acts.

Where the Vestries of any Parishes mentioned in either of the Schedules (A.) and (B.) to this Act now act jointly or in union, or exercise any Powers or Privileges jointly or in union, or elect Guardians, Directors, Trustees, or other Persons whomsoever whose Offices are not expressed to be determined by this Act for any joint Purposes, the Vestries of such Parishes elected under this Act may act jointly or in union, and shall have the like Powers and Privileges jointly or in union, and elect for such joint Purposes in like Manner and with the like Effect; and where in any of the said Parishes any Guardians, Directors, Trustees, or other Persons whosoever whose Offices are not expressed to be determined by this Act are now by Law elected out of the Vestry of any such Parish, such Guardians, Directors, Trustees, or other Persons as aforesaid may be elected out of or from the Vestrymen and Persons who under this Act are eligible as Vestrymen for the same Parish; and the Office of no such Guardian, Director, Trustee, or other Person shall be determined by reason of his ceasing to be a Vestryman in consequence of the passing of this Act; but every such Guardian, Director, Trustee, or other Person shall continue in Office until such Time as he would otherwise have ceased to hold his Office.

Agreement between the London and North-western Railway Company and certain Paving Commissioners confirmed.

CCXXIX. And whereas by an Agreement, made on the Tenth Day of August One thousand eight hundred and fifty-four, between the London and North-western Railway Company of the One Part and Five of the Commissioners acting under certain Acts of Parliament relating to the paving and improving of certain Streets in the Parish of Saint Pancras in the County of Middlesex of the other Part, it was agreed that the Commissioners acting under the said Acts should, in consideration of the Payment of the Sums of Three thousand Pounds and Five hundred Pounds to the said Commissioners by the said Company, put into good and complete State of Repair and Condition

Condition certain Roads therein particularly mentioned, and (except in the event therein mentioned of an Act not being obtained during the then next Session to authorize the Transfer to the said Commissioners of the Management of the said Roads) would maintain the said Roads at their own Charge and Expense; and whereas the said Sums have been paid to the said Commissioners, and it is expedient that the said Agreement should be confirmed, as herein-after mentioned:

The said Agreement shall be confirmed so far as the same relates to the Repair and Maintenance of the said Roads; and the Maintenance thereof shall be vested in the Vestry of the said Parish of Saint Pancras in like Manner as if the said Commissioners had been by Act of Parliament liable to maintain and repair the said Roads at the Time of the Commencement of this Act; and the Sums paid to the said Commissioners as aforesaid, or such Part thereof as may not have been already applied for the Purpose of putting the said Roads into good and complete Repair, shall be paid over to the Vestry of the Parish of Saint Pancras, and be applied for the general Benefit of such Parish in aid of any Rates to be raised in such Parish to defray Expenses of paving, anything in this Act or in any Act relating to the said Company to the contrary notwithstanding.

Special Provision as to Ely Place and Ely Mews.

CCXXX. This Act shall not divest the Commissioners under an Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Forty-eight (Local), "For paving, lighting, watching, cleansing, and improving Ely Place and Ely Mews, Holborn, in the County of Middlesex," of any of the Powers or Property vested in them under that Act, nor shall any of the Provisions of this Act in relation to the paving, lighting, watering, and cleansing of Streets apply to the Parts within the Limits of the said Local Act, nor shall such Parts be assessed or rated under this Act for defraying any Expenses incurred by the District Board for the Holborn District in relation to paving, lighting, watering, and cleansing; but such Parts shall be subject to all the Provisions of this Act relating to Sewerage and House Drainage, and to be assessed or rated for Sewerage Expenses incurred by the said District Board, and for Expenses incurred by the Metropolitan Board of Works, and towards any Sums required to be raised by such Board under this Act, in like Manner as other Parts within the said District.

Special Provision as to Woolwich.

CCXXXI. Notwithstanding anything in this Act contained to the contrary, the Provisions of this Act shall extend and apply to the Parish of Woolwich only to the Extent and in manner herein-after mentioned; (that is to say,)

A Member of the Metropolitan Board of Works shall be from Time to Time elected by the Local Board of Health of Woolwich,

at a Meeting of such Board, as by this Act directed with respect to the Vestry of each of the Parishes mentioned in the said Schedule (A.):

The said Metropolitan Board shall have and perform, within and in relation to the said Parish, all the Powers and Duties vested in them under this Act, in like Manner as within and in relation to other Parishes mentioned in the said Schedule (A.), save that the said Local Board shall be subject to all Orders of the said Metropolitan Board, in relation to Sewerage and otherwise, and to all Precepts requiring Payment of Money, in all respects as the Vestries of other Parishes in the said Schedule (A.) are subject to the same, in lieu of the Vestry of the said Parish; and all Sums required to be paid by such Precepts shall be defrayed out of any Moneys carried to the District Fund Account, or by means of a General District Rate to be levied on the whole of the Parish of Woolwich, or such Part thereof, as may be specified in the Precept of the said Metropolitan Board.

Special Provisions as to inclosed Gardens in Squares, &c.

CCXXXII. Where any enclosed Garden or ornamental Ground is vested in or under the Maintenance or Management of any Commissioners or other Body, for the Use of the Inhabitants of any Square, Crescent, Circus, Street, or Place, surrounding or adjoining such Garden or Ground, and the Powers of such Commissioners or other Body do not extend beyond such Garden or Ground, and such Square, Crescent, Circus, Street, or Place, *or any adjoining Street, Way, or Passage, so far as the same may abut upon any Part of any House, Shop, Building, or Tenement situate in or fronting any such Square, Crescent, Circus, Street, or Place,* nothing in this Act shall divest such Commissioners or Body of any Property in such Garden or Ground, or in any Railing or Footway bounding the same, or of any Duties, Powers, or Authorities now or hereafter vested ~~by or under any Act of Parliament, or any Conveyance, Lease, or other Instrument granted under any such Act,~~ in any such Commissioners or other Body, for or in relation to the paving, watering, cleansing, improving, or regulating of such enclosed Garden or ornamental Ground, or in relation to the Railing or Footway bounding the same, or to levy Rates for defraying any Expenses incurred in the Execution of such Duties or Powers; and where the Maintenance or Management of any enclosed Garden or ornamental Ground is vested in any Commissioners or other Body, for the Use or Benefit of the Inhabitants of any Square, Crescent, Circus, Street, or Place surrounding or adjoining the same, who are liable to be assessed for the Maintenance thereof, and the Powers of such Commissioners or other Body extend beyond such enclosed Garden or ornamental Ground, and such Square, Crescent, Circus, Street, or Place, *or such adjoining Street, Way, or Passage as aforesaid,* the Maintenance and Management of such

such enclosed Garden or ornamental Ground shall be vested in a Committee, consisting of not more than Nine nor fewer than Three of such Inhabitants, and such Committee shall be appointed annually in ~~Easter Week by the Vestry or District Board of the Parish or District in which such Square, Crescent, Circus, Street, or Place is situate~~ *the First Week in June by such Inhabitants;* and the Vestry or Board shall from Time to Time cause to be raised the Sums required by such Committee for defraying the Expenses of the Maintenance and Management of such enclosed Garden or ornamental Ground, *or of such Part thereof as is situate within their Parish*, by an Addition to the General Rate to be assessed on the Occupiers of the Houses or Buildings the Occupiers whereof are now liable to be assessed for the same Purpose: Provided always, that where any such Rate which may now be levied for such Purpose is limited in Amount the Rate to be levied under this Provision shall be subject to the like Limit. ~~Provided also, that where any Square, Crescent, Circus, Street, or Place is situate in more than One Parish, such Committee of the Inhabitants thereof shall be appointed by the Metropolitan Board of Works, or by the Vestries of the Parishes in which such Square, Crescent, Circus, Street, or Place is situate, jointly or by such Vestries separately and in such Proportions as the said Metropolitan Board may direct; and such Board may fix the Number of such Committee, and generally may regulate the Mode of Appointment thereof, and shall fix the Proportions in which the Sums from Time to Time required for defraying the said Expenses shall be levied on the several Parts of such Square, Crescent, Circus, Street, or Place situate in the respective Parishes, according to the relative annual Values of the Houses or Buildings in such respective Parts, and may vary such Proportions from Time to Time as Circumstances may require, and the respective Vestries and District Boards in whose Parishes or Districts such Parts may be respectively situate shall cause the said Sums to be raised in manner aforesaid in such respective Parts.~~

Saving of Powers and Property of Commissioners under "The Crown Estate Paving Act, 1851."

CCXXXIII. This Act shall not divest the Commissioners for carrying into execution "The Crown Estate Paving Act, 1851," and the subsisting Provisions of the Acts therein recited, or the Commissioners of Her Majesty's Works and Public Buildings, of any of the Powers, Duties, Authorities, or Property vested in them respectively under the said Acts; and nothing in this Act shall extend to authorize or empower any Vestry or District Board to exercise any Power or Control whatsoever in respect of paving, maintaining, lighting, watering, cleansing, and regulating any Streets or Places in the Neighbourhood of the Houses of Parliament, delineated on a Plan marked E., referred to by "The Crown Estate Paving Act, 1851," or any Portion of the District now under the Management of the Commissioners for carrying into execution the said Crown Estate Paving Act, and the subsisting Provisions aforesaid, or to exercise any Power or Control whatsoever

in or over any of the Gardens or Pleasure Grounds the Management whereof is now or may for the Time being be vested in such last-mentioned Commissioners; nor shall any such Street or Place, or any Portion of such District, as aforesaid, be assessed or rated under this Act for defraying any Expenses incurred by any Vestry or District Board in relation to paving, lighting, watering, or cleansing, but such Streets, Places, and District shall be subject to all the Provisions of this Act relating to Sewerage and House Drainage, and to be assessed or rated for Sewerage Expenses incurred by any such Vestry or Board, and for Expenses incurred by the Metropolitan Board of Works, and towards any Sums required to be raised by such Board under this Act as by this Act provided.

Saving of the Rights of the Commissioners of Works.

CCXXXIV. Nothing in this Act shall divest the Commissioners for the Time being of Her Majesty's Works and Public Buildings of any Power or Property now or which for the Time being may be vested in them; and nothing in this Act shall extend to authorize or empower any Vestry or District Board to exercise any Power or Control whatsoever in or over any of the Royal or Public Parks, Gardens, or Pleasure Grounds, the Management whereof is now or may be for the Time being vested in such Commissioners; and nothing in this Act shall abridge, alter, or affect any Right, Power, Exemption, or Remedy of the Queen's most Excellent Majesty, Her Heirs or Successors, or the said Commissioners, in, over, or in relation to the Possessions of the Crown or of the Public.

Saving of Powers of Commissioners of Sewers of the City over such Parts of any Parishes in Schedule (B.) as are in the City.

CCXXXV. Nothing in this Act shall divest the Commissioners of Sewers of the City of London of any Powers or Property vested in them in relation to such Parts of any of the Parishes mentioned in Schedule (B.) to this Act as are within the City of London, nor shall such Parts be subject to be rated or assessed by any District Board, but shall be subject to all the Powers of the Metropolitan Board of Works as other Places in the City of London.

Saving the Rights of the Metropolitan Sewage Manure Company. 9 & 10 Vict. c. 398. [L. & P.] 10 & 11 Vict. c. 138. [L. & P.]

CCXXXVI. Nothing in this Act shall extend to or affect any of the Rights, Privileges, Powers, or Authorities vested in the Metropolitan Sewage Manure Company by an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, intituled "An Act to incorporate a Company by the Name of the Metropolitan Sewage Manure Company," or an Act of the Session then next following, intituled "An Act for enabling the Metropolitan Sewage Manure Company to alter the Line of their Works, and for other Purposes:" Provided always, that all Rights, Powers, and Authorities by either of the said Acts vested in the Commissioners of Sewers for the Time being for the City and Liberty of Westminster and Part of the County of Middlesex shall be vested in the Metropolitan Board of Works,

Works, and the Provisions of the said Acts shall be construed as applying to such Board in lieu of such Commissioners, but any Order or Act which might have been made or done by the said Commissioners at a Court of Sewers may be made or done by the said Metropolitan Board at any Meeting of such Board.

Saving as to Turnpike Roads.

CCXXXVII. Nothing in this Act shall divest the Commissioners or Trustees of any Turnpike Road of any Powers or Property vested in them as such Commissioners or Trustees, save as herein expressly provided with respect to Turnpike Roads, and save that the Footpaths of any such Road shall be under the Care and Management of the Vestries and District Boards of the Parishes or Districts in which the same are situate in like Manner as other Footpaths in such Parishes and Districts: Provided always, that the Provisions of this Act transferring to Vestries and District Boards Powers and Property vested in any Commissioner or other Body in relation to the paving, lighting, watering, cleansing, and improving of their Parishes and Districts, and all other Provisions of this Act incident to or consequent upon such Transfer, shall apply to all Powers and Property vested in the Trustees of the Commercial Road, so far as regards any Streets or Highways other than such Road, and also so far as regards the Footpaths of such Road.

Saving for Metropolitan Police Commissioners.

CCXXXVIII. Nothing in this Act shall ~~affect~~ *interfere with the Powers given by Law to* the Commissioners of the Police of the Metropolis.

Clause O. Act not to prejudice any Dispute between Battersea and Penge.

Nothing in this Act shall be construed to prejudice or affect any Question as to whether the Hamlet of Penge is or is not a Part of the Parish of Battersea.

Repeal of Acts inconsistent with this Act.

CCXXXIX. All Acts of Parliament in force in any Parish or Place to which this Act extends, or in any Part of such Parish or Place, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed as regards such Parish or Place, or such Part thereof, notwithstanding any Provisions of this Act continuing and transferring respectively to Vestries of Parishes and transferring to District Boards any Duties, Powers, or Authorities now vested in Vestries, Commissioners, or other Bodies.

In case of Conflict with the Provisions of this Act, Provisions of Local Acts may be varied by Order in Council,

CCXL. Upon the Petition of the Metropolitan Board of Works, or of any District Board or Vestry, representing to Her Majesty in Council that by reason of the Provisions of any Local Act of Parliament relating to any District or Parish, or any Part thereof respectively, Difficulties have arisen in the Execution of this Act and of such Local Act or either of them, and praying for a Suspension or Alteration of all or any of the Provisions of such Local Act, or for the

on Petition of Boards or Vestries.

the Establishment of other Provisions in lieu thereof under this Enactment, it shall be lawful for Her Majesty, by Order in Council, to suspend or alter all or any of the Provisions of such Local Act, and to make other Provisions in relation to the Matters thereof as Her Majesty, with the Advice of Her Privy Council, may think necessary under the Circumstances of the Case; and every such Order in Council shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or, if Parliament be not sitting, then within One Month after the next Meeting of Parliament, and shall be published in the London Gazette: Provided always, that no such Order in Council shall remain in force beyond the Term of One Year from the making thereof.

Power to extend Act to adjoining Parishes.

Act may be extended by Order in Council to Parishes adjoining the Metropolis not having less than 750 Ratepayers.

CCXLI. In case and when and so often as it is made to appear to Her Majesty in Council, upon the Representation of the Metropolitan Board of Works, that the Provisions of this Act should be extended to any Parish adjoining the Metropolis, and in which there are not less than Seven hundred and fifty Inhabitants rated to the Relief of the Poor, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, to order that the Provisions of this Act shall extend to such Parish, from and after a Day to be mentioned in this Behalf in the Order in Council, and that such Parish shall join with any Parish or Parishes or District in such Order named in the Election from Time to Time of the Member or Members of the Metropolitan Board of Works by this Act directed to be elected for such Parish or Parishes or District, and to make such Provision as to the Mode in which every such joint Election shall take place, and otherwise in relation thereto, as to Her Majesty in Council may seem necessary and proper; and every such Order shall be published in the London Gazette; and from and after the Time mentioned in such Order for the Extension of the Provisions of this Act to any Parish as aforesaid, the Provisions of this Act shall extend to and be in force therein, in like Manner, so far as Circumstances will admit, as such Provisions apply to any Parish mentioned in Schedule (A.) of this Act, subject, nevertheless, to the Provisions in such Order contained in relation to the Election by such Parish jointly as aforesaid of a Member or Members of the said Metropolitan Board: Provided always, that Notice of every such Representation, and of the Time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published in the London Gazette, One Month at least before such Representation is so considered.

Interpretation and Commencement of Act.

Interpretation of Terms: "the Metropolis:"

CCXLII. In the Construction of this Act "the Metropolis" shall be deemed to include the City of London, and the Parishes and Places

Places mentioned in the Schedules (A.), (B.), and (C.) to this Act; "the City of London" shall be deemed to include all Parts now within the Jurisdiction of the Commissioners of Sewers for the City of London; and the Word "Parish" shall include any Place mentioned in Schedule (A.) to this Act, and any Place or Combination of Places mentioned in Schedule (B.) to this Act, for which One or more Member or Members is or are to be elected to any District Board; the Expression "the Overseers of the Poor" shall include any Persons authorized to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish; any Expression referring to any Rate or Rates raised under this Act by the Metropolitan Board of Works or any Vestry or District Board shall mean the Sums and Rates authorized to be raised by the said Metropolitan Board and the Sums authorized to be raised by any Vestry and District Board respectively; the Word "Owner" shall, *except for the Purpose of the Provision of this Act requiring Notice to be served on Owners or reputed Owners of Land, before Application to One of Her Majesty's Principal Secretaries of State for his Consent to exercise Powers of taking Land, or any Right or Easement in or over Land, compulsorily*, mean the Person for the Time being receiving the Rackrent of the Lands or Premises in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person, or who would so receive the same if such Lands or Premises were let at a Rackrent; the Word "Street" shall apply to and include any Highway (except the Carriageway of any Turnpike Road), and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and a Part of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage; the Word "Drain" shall mean and include any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed, *and shall also include any Drain for draining any Group or Block of Houses by a combined Operation under the Order of any Vestry or District Board;* and the Word "Sewer" shall mean and include Sewers and Drains of every Description, except Drains to which the Word "Drain," interpreted as aforesaid, applies; and the Word "Ashpit" shall include "Dustbin."

"the City of London."

"Overseers of the Poor:"

"Rates:"

"Owner:"

"Street:"

"Drain:"

"Sewer:"

"Ashpit."

CCXLIII. This Act shall commence and come into operation, save as herein otherwise provided, on the First Day of ~~December~~ *January* One thousand eight hundred and fifty-~~five~~ *six*.

Commencement of Act.

Note.—*In these* SCHEDULES *the Words and Figures in* **Antique Type** *were inserted, and the Words and Figures struck through were omitted, by the Lords.*

SCHEDULE (A.)

PART I.

Parishes each electing Two Members of the Metropolitan Board of Works.

Saint Marylebone.
Saint Pancras.
Lambeth.
Saint George Hanover Square.
Islington, Saint Mary.
Shoreditch, Saint Leonard.

PART II.

Parishes each electing One Member of the Metropolitan Board of Works.

Paddington.
Saint Matthew Bethnal Green.
Saint Mary Newington, Surrey.
Camberwell, ~~including Peckham~~.
Saint James Westminster.
Saint James and Saint John Clerkenwell to be considered as One Parish.
Chelsea.
Kensington, Saint Mary Abbot.
Saint Luke Middlesex.
Saint George the Martyr Southwark.
Bermondsey.
Saint George in the East.
Saint Martin in the Fields.
Hamlet of Mile End Old Town.
Woolwich.
Rotherhithe.
Saint John Hampstead.

SCHE-

SCHEDULE (B.)

PARISHES UNITED INTO DISTRICTS FOR THE PURPOSES OF THE ACT.

PART I.

Districts each electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Whitechapel District -	Saint Mary Whitechapel - -	27
	Christchurch Spitalfields - -	12
	Saint Botolph without Aldgate, in the County of Middlesex - -	6
	Holy Trinity, Minories - - -	1
	Saint Katherine, Precinct of - -	1
	Mile End New Town, Hamlet of -	6
	Liberty of Norton Folgate - -	3
	Old Artillery Ground - - -	1
	Tower, District of - - -	1
	TOTAL - - -	58
Westminster District -	Saint Margaret - - -	30
	Saint John the Evangelist - -	27
	TOTAL - - -	57
Greenwich District -	Saint Paul Deptford, including Hatcham	21
	Saint Nicholas Deptford - -	6
	Greenwich - - - - -	30
	TOTAL - - -	57
Wandsworth District -	Clapham - - - - -	18
	Tooting Graveney - - - -	3
	Streatham - - - -	9
	Saint Mary Battersea, excluding Penge	12
	Wandsworth - - - - -	9
	Putney, including Roehampton -	6
	TOTAL - - -	57
Hackney District -	Hackney - - - -	51
	Saint Mary Stoke Newington -	6
	TOTAL - - -	57

Name of District.	Parishes.	Number of Members to be elected to District Board.
Saint Giles District -	Saint Giles in the Fields - -	27
	Saint George Bloomsbury - -	21
	TOTAL - - -	48
Holborn District -	~~Holborn, Saint George the Martyr~~ -	~~24~~
	Saint Andrew **Holborn** above Bars -	9 **24**
	Saint George the Martyr -	**9**
	Saint Sepulchre, in the County of Middlesex - - - -	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place - -	9
	The Liberty of Glasshouse Yard -	1
	TOTAL - - -	49
Strand District -	Saint Anne Soho - - -	18
	Saint Paul Covent Garden - -	9
	Saint John the Baptist Savoy, or Precinct of the Savoy - -	1
	Saint Mary-le-Strand - -	3
	Saint Clement Danes - -	15
	Liberty of the Rolls - - -	3
	TOTAL - - -	49
Fulham District -	Saint Peter and Saint Paul Hammersmith	24
	Fulham - - - -	15
	TOTAL - - -	39
Limehouse District -	Saint Anne Limehouse - -	15
	Saint John Wapping - -	3
	Saint Paul Shadwell - -	6
	Ratcliffe, Hamlet of - -	12
	TOTAL - - -	36
Poplar District - -	All Saints Poplar - - - -	24
	Saint Mary Stratford le-Bow -	9
	Saint Leonard Bromley - -	15
	TOTAL - - -	48
Saint Saviour's District	**Christchurch - - - -**	**15**
	Saint Saviour (including the Liberty of the Clink) - -	**24**
	Total - - - -	**39**

Part II.

Districts united for electing One Member ~~each~~ of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
~~Saint Saviour's District~~	~~Christ Church~~ - - - -	~~15~~
	~~Saint Saviour "(including the Liberty of the Clink")~~ - - - -	~~24~~
~~united with~~	~~Total~~ - - -	~~39~~
~~Saint Olave District~~ -	~~Saint Olave~~ - - - -	~~12~~
	~~Saint Thomas Southwark~~ - -	~~4~~
	~~Saint John Horselydown~~ - -	~~15~~
	~~Total~~ - - -	~~28~~
Plumstead District -	Charlton next Woolwich - -	9
	Plumstead - - - -	12
	Eltham, ~~including Mottingham Hamlet~~	6
	Lee - - - - -	9
united with	Kidbrooke - - - - -	1
	Total - - -	37
Lewisham District -	Lewisham, including Sydenham Chapelry - - - -	24
	Hamlet of Penge - - -	3
	Total - - -	27

PART III.

Parish and District united for electing One Member of the Metropolitan Board of Works.

Name of District.	Parish.	Number of Members to be elected to District Board.
The Parish of Rotherhithe united with Saint Olave District	Saint Olave	12
	Saint Thomas Southwark	1
	Saint John Horselydown	15
	Total	28

SCHEDULE (C.)

The Close of the Collegiate Church of Saint Peter.
The Charter House.
Inner Temple.
Middle Temple.
Lincoln's Inn.
Gray's Inn.
Staple Inn.
Furnival's Inn.

SCHE-

SCHEDULE (D.)

Main Sewers of the Metropolis.

North Side of the Thames.

Stamford Brook (*West Branch*).

Commences at an Angle in the Boundary between the Parishes of Hammersmith and Acton, on the South of the Uxbridge and London Road, and tangent to a Footpath running South from East Acton Lane, extending thence in a South-easterly Direction to Paddenswick Green, when it joins the East Arm of the said Brook.

Stamford Brook (*East Branch*).

Commences at a Point on the Boundary between the Parishes of Hammersmith, Willesden, and Acton, about 100 Feet North-east of the Old Oak Bridge over the North-western Railway, extending thence in a Southerly Direction to Paddenswick Green.

The united Streams of the above Two Branches discharge into Hammersmith Creek.

Brook Green Sewer.

Commences in Wood Lane, at the Keeper's Lodge, on the South Side of Wormwood Scrubs, and discharges into the River Thames by Two Outlets, viz., Bridge Road and Queen Street, on the East Side of Hammersmith Suspension Bridge.

A Branch from the above commences in New Road, at the North End of the Grove, and joins the Main Sewer at Broadway Hammersmith.

Fulham Sewer.

Commences at a Sluice in the Moat surrounding the Bishop of London's Palace, on the West Side of the Junction of High Street, Fulham, with the Fulham Road, and discharges into the Thames under the Toll House of Fulham Bridge.

Eel Brook Sewer

Commences at a Point in North End Road, about 80 Feet North-west of Walham Green Church, and discharges into Kensington Canal on the South-east Side of the Imperial Gasworks.

Counters Creek Sewer (*Main Line*).

Commences at a Point in the Harrow Road, about 200 Feet West of Kensal Green Cemetery Gate, and discharges into the Thames at the Outlet now forming on the South-west Side of Cremorne Gardens.

Counters Creek Sewer (*West Branch*).

Commences at a Culvert under the Grand Junction Canal, on the Boundary between the Parishes of Kensington and Hammersmith, at the South-west Corner of Kensal Green Cemetery, and joins the above Main Line in Latimer Road at its Junction with Bromley Road.

Counters Creek Sewer (*East Branch*).

Drains the whole of Kensal New Town, situate in a detached Portion of the Parish of St. Luke Chelsea, and Part of the Parish of St. Mary Paddington, and passes under the Great Western Railway, at a Bridge leading to Portobello Lane, on the South-east Side of the Western Gasworks, and joins the Main Sewer at a Point about a Quarter of a Mile North-west of Notting Barn Farm.

Counters Creek Sewer (*Kensington Branch*).

Commences in Victoria Grove at about 50 Feet to the North of Uxbridge Road, and joins the Main Line at the Junction of Pembroke and Warwick Roads.

Sewer to the Metropolitan Sewage Manure Works.

Commences at Knightsbridge at its Junction with the Ranelagh Sewer, and extends thence in a South-westerly Direction to the Works at Stanley Bridge.

Millman's Row Sewer.

Commences in Fulham Road, at about 780 Feet West, and at about 230 Feet East of the Junction of Park Walk with Fulham Road, and discharges into the River Thames opposite to Millman's Row.

Church Street Sewer.

Commences in Gloucester Road at its Junction with Canning Place, at about 750 Feet South of Hogmore Lane Gate, and discharges into the Thames on the South Side of Chelsea Old Church.

Queen

Queen Street Sewer.

Commences between Gloucester Road and Hyde Park Gate South, on the South of Kensington Road, and about 300 Feet South of Kensington Gate runs through Old Brompton, and discharges into the River Thames on the East Side of Chelsea Free Dock.

Smith Street Sewer.

Commences in the Kensington Road at a Point about 750 Feet West of Prince of Wales Gate, and extends thence by Rutland Gate, Rutland Street, and Fulham Road, on the West of Brompton Crescent, and along College and Markham Streets, and discharges into the Thames on the West Side of Chelsea Royal Hospital.

Ranelagh Sewer.

The Branch Sewers from Edgeware Road, Finchley Road, and Kilburn Vale, unite at Kilburn Bridge, and for the Main Line, which, running in a Southerly Direction, discharges into the River Thames on the South-east Side of Chelsea Royal Hospital.

This Sewer has several Branches, the chief of which commences in Grove End Road, at about 900 Feet West of St. John's Wood Road, extending thence by Lisson Grove, New Road, Grand Junction Road, and Albion Street, to a tumbling Bay, where it joins the Main Sewer in Uxbridge Road.

King's Scholars Pond Sewer.

Commences in the Finchley Road, at about 1500 Feet above Junction Road Toll Gate, and discharges into the River Thames at the Equitable Gasworks, about 700 Feet above Vauxhall Bridge.

King's Scholars Pond Sewer (*Pall Mall Branch*).

Commences at Waterloo Place, and joins the Main Line opposite the Entrance of Buckingham Palace.

Grosvenor Ditch.

Commences in Page Street, at about 150 Feet East of the Junction with Regent Street, Vauxhall Bridge Road, and discharges into the River Thames at the Northern Extremity of Millbank Road.

Horseferry Road Sewer.

Commences in Grey Coat Place, and discharges into the River Thames at the Horseferry Stairs.

Wood Street Sewer.

Commences in Grey Coat Place, and discharges into the River Thames in the Prolongation of Wood Street.

Victoria Street Sewer.

Commences at Shaftesbury Terrace, Pimlico, and discharges into the Thames at Percy Wharf.

Regent Street Sewer (*Western Branch*).

Commences in the outer Circle of the Regent's Park, at about 200 Feet North-west of Hanover Gate Entrance, and joins the Eastern Branch in the New Road, opposite to the Prolongation of Portland Place.

Regent Street Sewer (*Eastern Branch*).

Commences in Upper Albany Street, at about 200 Feet South of Collateral Cut Bridge over the Regent's Canal, and joins the Western Branch at the aforesaid Point in the New Road.

The Main Sewer proceeds thence along Regent Street, and discharges into the River Thames at Percy Wharf.

Northumberland Street Sewer (*Western Branch*).

Commences in Warren Street, on the North of Fitzroy Square, and proceeds in a southerly Direction along Cleveland, Newman, Wardour, Princes, and Panton Streets, Haymarket, to Charing Cross, opposite the District Post Office.

Northumberland Street Sewer (*Eastern Branch*).

Commences in New Road, at about 170 Feet West of the Junction with Hampstead Road, and proceeds along Tottenham Court Road, High Street, Seven Dials, and St. Martin's Lane, to Charing Cross, when it joins the Western Branch.

The Main Line proceeds along Northumberland Street, and discharges into the Thames at Northumberland Wharf.

Savoy Street Sewer.

Commences in Stanhope Street, Regent's Park Basin, at a Point at about 160 Feet North of the Junction with Edward Street, and proceeds along Robert, George, Gower, Charlotte, Bloomsbury, Endell, Bow, Wellington, and Savoy Streets, and discharges into the Thames at a Point about 100 Feet above Waterloo Bridge.

Norfolk Street Sewer.

Commences at the Junction of Drury Lane and Long Acre, and passes by the Olympic Theatre, and along Newcastle Street and Strand, and discharges into the River Thames opposite Norfolk Street.

Essex Street Sewer (*Western Branch*).

Commences in Russell Square, opposite Montague Place, and proceeds along Montague, Russell, and Museum Streets, Drury Lane, Great Wild Street, and Vere Street, to the Junction of the Eastern Branch at the Intersection of Sheffield and Gilbert Streets, Clare Market.

Essex Street Sewer (*Eastern Branch*).

Commences at the Corner of Tottenham Court Road, and proceeds along New Oxford Street, Newton Street, and Cross Lane, Parker and Great Queen Streets, West Side of Lincoln's Inn Fields, to the Junction with the Western Arm above described.

The Main Sewer proceeds thence along Gilbert Street, Clement's Lane, Pickett Street, and Essex Street, and discharges into the River Thames at Temple Pier.

Fleet Sewer.

Commences in High Street, Hampstead, at the Junction of High Street with Flask Walk, extending thence through South End Green, Gordon House Lane, Victoria Road, Great College Street, Old St. Pancras Road, Bagnigge Wells Road, West of Middlesex House of Correction, and by Farringdon Street to Blackfriars Bridge, where it discharges into the River Thames.

This Sewer has numerous Tributaries running into other Districts, the chief of which are Camden Road, Caledonian Road, Pentonville Hill, River Street, St. John's Road, Holborn Hill, and Guildford Street.

Goswell Street Sewer.

Commences in Sydney Street, at the Junction of Sydney Grove, and discharges into the Thames at Walbrook.

London Bridge Sewer (*City Road Branch*).

Commences at Duncan Terrace, on the West Side of the New River, and joins the Main Line at the North End of Finsbury Pavement.

Another Branch commences in Lonsdale Square, Islington, and, extending thence through Barnsbury Street, Richmond Grove, passes under the New River at New North Road Bridge, thence along Portland Place, King Street, under the Regent's Canal, by Sturt's Lock, Walbrook Street, and Critchill Place, where it joins another Branch at St. John's Church Hoxton.

London Bridge Sewer (*Balls Pond Branch*).

Commences on the Boundary between St. Mary Islington, and St. John Hackney, at Cock and Castle Lane, Dalston, and passes by Balls Pond and Rosemary Branch Bridge to the Junction at St. John's Church, above described. The united Sewers then discharge into the River Thames at London Bridge.

London Bridge Sewer (*Shoreditch Branch*).

Commences in Queen's Road, at the Junction with Laurel Street, Dalston, and extending thence along Queen's Road, Great Cambridge Street, Hackney Road, Shoreditch, and Bishopsgate, joins the Main Line at King William's Statue.

Irongate Sewer.

Commences in the City, and proceeds along the South-west Side of Houndsditch, West Side of Minories, and by the Precincts of Old Tower Without, and discharges into the River Thames at Irongate Stairs, on the East of the Tower.

Nightingale Lane Sewer.

Commences in Union Street, Old Artillery Ground, and Booth Street, Spitalfields, and extends thence along Commercial, Leonard, Wells, and Parson Streets, and Nightingale Lane, and discharges into the Thames on the Western Side of the Entrance into Hermitage Basin.

Hermitage Street Sewer.

Commences in Redmead Lane, on the Boundary between the Parishes of St. John Wapping and St. George in the East, and extends thence along Great Hermitage Street, and discharges into the River Thames at about 50 Feet East of Union Stairs.

Old Gravel Lane Sewer.

Commences at the Boundary between the Parishes of St. George in the East and St. John Wapping, in Old Gravel Lane, and discharges into the River Thames at a Point about 110 Feet West of the Thames Tunnel.

Wapping

Wapping Wall Sewer.

Commences in Green Bank, at the Junction of Upper Well Alley, and passes through King Street, and discharges into the River Thames at about 120 Feet on the North-east Side of New Crane Dock.

Shadwell Basin Sewer.

Commences on the North Side of the Eastern Dock, at the Termination of West Gardens, and extends thence between the Warehouses and New Gravel Lane, on the North Side of Shadwell Basin, and along Shadwell Dock Street, and discharges into the River Thames at the Eastern Pier of the Shadwell Entrance to the London Docks.

Pennington Street Sewer.

Commences at the Boundary between the Parishes of St. George in the East and St. John Wapping, in St. George Street, and extends thence along Pennington Street, Old Gravel Lane, West Gardens, Cow Lane, Little Spring Street, Labour-in-Vain Street, and Lower Shadwell, and discharges into the River Thames at Shadwell Dock Stairs.

Ratcliffe Highway Sewer (*Western Branch*).

Commences at the Junction of Sherwood Place with Meed Street, at about 900 Feet South-east of Shoreditch Church, and extends along Turvile, Thomas, and High Streets, and Whitechapel Road, to the Junction of New Road with Whitechapel Road.

Ratcliffe Highway Sewer (*Eastern Branch*).

Commences at the Junction of Hague Street with Bethnal Green Road, and extends along Hague Street, Wellington and Charles Streets, to the Junction of New Road with Whitechapel Road, above described.

Ratcliffe Highway Sewer (*North-eastern Branch*).

Commences from the Rear of Shoreditch Church, and proceeds along Old Castle Street, Virginia Row, Wellington Row, Old Bethnal Green Road, Cambridge Road, Cleveland Street, King Street, Jamaica Street, Havering Street, and Love Lane, to Ratcliffe Highway.

The Main Sewer proceeds along New Road, Cannon Street Road, St. George's Street, High Street, Shadwell, and Broad Street, and discharges into the River Thames at Ratcliff Cross Stairs.

Limekiln Dock Sewer.

Commences at the Junction of Victoria Road with Bishop's Road, on the South-western Side of Bonner's Hall Bridge, leading into Victoria Park, and extends along Victoria Road, East Side of Bethnal Green, Globe Road, White Horse Lane, and Rhodeswell Road, and passes under the Regent's Canal at Rhodeswell Wharf, thence along the Black Ditch, Upper North Street, and North Street, and discharges into the River Thames at Limekiln Dock.

Great Sluice and Drunken Dock Sluice.

These Sluices are situated on the Eastern Side of the Isle of Dogs, and drain the whole of that Part of the Isle South of the West India Dock Basin. They have Four inlet Sluices for Purposes of flushing.

Blackwall Sluice.

Commences at Batson's Inlet, near Limehouse Entrance to the West India Dock, and discharges into the Thames on the North Side of the Blackwall Entrance to the West India Dock.

Eastern Counties Railway Sewer.

Commences at Mile End Bridge, over the Regent's Canal in Bow Road, proceeds along Bow Road, Tredegar Square, and by the Railway, and discharges into the River Lea, where the Viaduct of the said Railway crosses that River.

Hackney Brook Sewer (*Main Line*).

Commences in the High Road opposite to St. John's Church Upper Holloway, and extends thence in a South-east Direction along Holloway Road to a Point about 450 Feet South of Tollington Road, thence in an Easterly Direction by the North of Abney Park Cemetery, Hackney Downs, and Hackney Wick, and discharges into the River Lea, immediately to the North of Old Ford Wharf.

Hackney Brook Sewer (*Wick Lane Branch*).

Commences in Old Ford Road, on the East Side of Old Ford Bridge, crossing the Regent's Canal, and extends along Grove Road, Wick Lane, and joins the Main Sewer at Hackney Wick.

SOUTH SIDE OF THE THAMES.

Beverley Brook.

Commences on the Boundary between the Parishes of Putney and Wimbledon, at a Point about 1,800 Feet South of Beverley Bridge, on the Kingston Road, and discharges into the River Thames about Half a Mile above Putney Town.

Sewer between Parishes of Putney and Wandsworth.

Commences on the Road from Kingston to Wandsworth, and discharges into the River Thames at a Point about 1,500 Feet below Fulham Bridge.

Wandle River.

Commences at a Point where the Parishes of Streatham and Tooting intersect the River, and discharges into the River Thames at the Town of Wandsworth.

Falcon Brook.

Commences at Tooting Common, and discharges into the River Thames at Battersea Creek.

Lord Spencer's Sewer.

Commences in the Town of Battersea, and extends in an easterly Direction through Battersea Park, and discharges into the River Thames at about 400 Feet below Battersea New Bridge.

Heath Wall Sewer (*Main Line*).

Commences at the Falcon Brook at a Sluice about 300 Feet North of the South-western Railway, and extending along the South Margin of Battersea Fields, discharges into the Thames at Heath Wall Mill.

Heath Wall Sewer (*Clapham Rise Branch*).

Commences on the Boundary between the Parishes of Clapham and Lambeth at the Intersection of New Road with Clapham Rise, and extends along the East Side of Clifton Street, and joins the Main Sewer at a Point about 100 Feet North-east of New Road, Battersea Fields.

Effra Sewer.

Commences at the Boundary between the Parishes of St. Mary Lambeth and Croydon, in Westow Hill Road, immediately opposite to the Convent of "Our Lady," and discharges into the River Thames at Vauxhall Creek, on the South Side of the Phœnix Gasworks, and near to Vauxhall Bridge.

Effra Sewer (Upper Norwood Branch).

Commences in Westow Hill Road on the Boundary between the Parishes of Lambeth and Croydon, at about 200 Feet West of the Crystal Palace Hotel, and proceeds Northward along the Boundary between the Parishes of St. Mary Lambeth and St. Giles Camberwell, and joins the Main Sewer at a Point about 230 Feet West of Croxted Lane.

Duffield and Battle Bridge Sewers.

These Sewers drain the most densely inhabited Portions of the South Side. The Inlets for flushing Purposes are at Kennington, Vauxhall, Lambeth Church, and Stangate. The Outlets are by the following Sluices, viz., the Arnold and Dover Sluices, near Waterloo Bridge; Pudding Mill, near Blackfriars Bridge; the Boar's Head, Welsh Troopers, Black Lion, and Bear Sluices, near Southwark Bridge; the Bridge Yard, Battle Bridge; and Green Bank, in St. Olave Southwark; Freeman's Lane, St. John Jerusalem; and Great St. John, in Horsleydown; and the Salisbury and Duffield Sluices, in Bermondsey.

Limekiln Sluice.

Drains the open Fields of Part of the Parish of Rotherhithe, and proceeds along Swan Lane, and discharges into the River Thames at about 300 Feet East of the Thames Tunnel.

Globe Stairs Sewer.

Drains the Northern Basin of the Commercial Dock Company, and extends along the Eastern Side of St. Paul's Church Rotherhithe, and Part of Rotherithe Street, and discharges into the River Thames at Globe Stairs.

Sewer at Durand's Wharf (Rotherhithe).

Commences to the South-east of Bull-Head Dock, Rotherhithe, and pursues an easterly Course by Rotherhithe and Lower Queen Street, and discharges into the River Thames at a "10 Footway," opposite to Cow Lane.

Rotherhithe

Rotherhithe Pier Sewer.

Commences in Trinity Street, at a Point about 400 Feet South of Cow Lane, and proceeds along Trinity Street, and discharges into the River Thames at Rotherhithe Boat Pier.

Earl Sewer (*Main Line*).

Commences in Cold Harbour Lane, at a Point about 1,100 Feet North-east of its Junction with Loughborough Road, and proceeds along High Street, Camberwell, Camberwell Road, Boundary Lane, and Eastward along the Boundaries of several Parishes, and discharges into the River Thames on the Boundary between the Counties of Surrey and Kent, near to the Royal Dock Yard, Deptford.

Earl Sewer (*Wyndham Road Branch*).

Commences on the East Side of Kennington Park, and proceeds along New Row, and Southward on the East of Thomas Street, Eastward along Wyndham Road, and joins the Main Sewer at a Point about 100 Feet South of Southampton Street, Camberwell.

Earl Sewer (*White Post Lane Branch*).

Commences in Victoria Road, at the Junction with Choumert Place and Cutthroat Lane, near Peckham Rye, and proceeds along Victoria Road, Hanover Street, Rye Lane, High Street, Meeting-house Lane, Halfway House Lane, and White Post Lane, and joins the Main Sewer at the Junction of the Parishes of Rotherhithe, St. Paul's Deptford, and St. Giles Camberwell.

Royal Dock Yard Sewer.

Commences on the East of Black Horse Bridge, and extends Eastward on the South Side of the Mast Pond, and discharges into the River Thames opposite to the Royal Victualling Yard.

Ravensbourne and Sydenham Sewer.

Commences at Bell Green, and extends along and by Catsford Hill Road, Lewisham, and Bromley Road, Silver Street, Loam Pit Vale, and Mill Lane, and discharges into Deptford Creek at Parish Wharf, near Kingsford Mill.

Ravensbourne and Lee Green Sewer.

Commences in the Eltham Road, about 300 Feet East of Lee Green, and proceeds along Lee Road, Lewisham Road, Bath Place, Egerton Road, and North Pole Lane, to a pumping Station, where it

 discharges

discharges into Deptford Creek, at a Point about 400 Feet North of the London and Greenwich Railway.

Horseferry Road (*Greenwich*).

Commences in Caroline Street and Roan Street, and proceeds along Union and Bridge Streets, and discharges into the River Thames at Horseferry.

SCHEDULE (E.)

Form of Mortgage of Rates.

Mortgage, Number ( )

By virtue of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of (*as the Case may be*) in consideration of the Sum of paid to by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, all [*here describe the Monies or Rates to be mortgaged*], to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from the Day of the Date hereof until the said Sum of with Interest at the Rate of per Centum per Annum for the same, shall be fully paid and satisfied; and it is hereby declared that the said Principal Sum shall be repaid on the Day of and that in the meantime the Interest thereof shall be paid on the Day of and the Day of in every Year.

In witness whereof the Metropolitan Board of Works, *or* the said District Board, *or* the said Vestry, (*as the Case may be,*) have hereunto set their Seal, this Day of One thousand eight hundred and .

SCHE-

SCHEDULE (F.)

Form of Transfer of Mortgage.

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , bearing Date the Day of and made by the Metropolitan Board of Works, *or* the Board of Works for the District of *or* the Vestry of the Parish of for securing the Sum of and Interest [*or, if such Transfer be by Indorsement on the Mortgage, insert, instead of the Words after* "*Assigns*," the within Security], and all my Property, Right, and Interest in and to the Money thereby secured, and in and to the Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

A.B. (L.S.)

Metropolis Local Management.

A

BILL

[AS AMENDED BY THE LORDS]

INTITULED

An Act for the better Local Management of the Metropolis.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1855.

[Bill 297.]

Under 17 *oz.*

Metropolitan Buildings Bill.

ARRANGEMENT OF CLAUSES.

PREAMBLE.
Short Title of Act; Sect. 1.
When Act to come into operation; 2.
Repeal of former Acts; 3.
Interpretation of certain Terms in this Act; 4.
Limits of Act; 5.
Division of Act; 6.

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A

B I L L

TO

Amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient that the Laws relating to Buildings in the Metropolis and its Neighbourhood should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

PRELIMINARY.

I. This Act may be cited for all Purposes as "The Metropolitan Building Act, 1855."

II. This Act shall come into operation on the
Day of *1855.*

III. The following Acts, that is to say, an Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter Eighty-four, and intituled "An Act for regulating the Construction and the "Use of Buildings in the Metropolis and its Neighbourhood," and an Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Five, and intituled "An Act to amend an Act for regu- Repeal of former Acts.

"lating the Construction and Use of Buildings in the Metropolis "and its Neighbourhood," are hereby repealed; but such Repeal shall not affect the Prosecution of any Proceedings authorized to be taken by the said Acts or either of them in respect of any Matter or Thing done contrary to the said Acts or either of them before the Time at which this Act comes into operation, or the Recovery of any Penalty incurred or any Recognizance entered into under the said Acts or either of them, or the Recovery of any Fees or other Sum or Sums of Money due or recoverable under the Provisions of the said Acts or either of them.

Interpretation of certain Terms in this Act:

IV. In the Construction and for the Purposes of this Act (if not inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,)

"the Treasury:" "The Treasury" shall mean the Commissioners of Her Majesty's Treasury:

"Building:" "Building" shall apply to all Buildings, Walls, Structures, and Erections whatsoever, of whatever Material constructed, and whether fixed upon permanent Foundations or not:

"External Wall:" "External Wall" shall apply to every outer Wall or vertical Enclosure of any Building not being a Party Wall:

"Party Wall:" "Party Wall" shall apply to every Wall used or built in order to be used as a Separation of any Building from any other Building, with a view to the same being occupied by different Persons:

"Party Structure:" "Party Structure" shall include Party Walls, and also Partitions, Arches, Floors, and other Structures separating Buildings, Stories, or Rooms which belong to different Owners, or which are approached by distinct Staircases or separate Entrances from without:

"Cross Wall." "Cross Wall" shall apply to every Wall used or built in order to be used as a Separation of one Part of any Building from another Part of the same Building, such Building being wholly in One Occupation:

"a proper Tie." A Roof shall be deemed to have "a proper Tie" if it has a Tie-beam or Tie-rod at the Foot of the Rafters at Intervals not greater than Eleven Feet from Centre to Centre:

"the Base of the Wall." "The Base of the Wall" is the Course immediately above the Footings:

"Owner:" "Owner" shall apply to every Person in Possession or Receipt either of the whole or of any Part of the Rents or Profits of any Land or Tenement, or in the Occupation of such Land or Tenement other than as a Tenant from Year to Year or for any less Term or as a Tenant at Will:

"Builder:" "Builder" shall apply to and include the Master Builder or other Person employed to execute or who actually executes any Work or Operation upon any Building:

"District

"District Surveyor" shall mean every such Surveyor who is appointed in pursuance of this Act, or whose Appointment is hereby confirmed, and shall include any Deputy or Assistant Surveyor appointed under this Act: "District Surveyor."

"Sheriff" shall include Under Sheriff or other legally competent Deputy; and where any Matter in relation to any Building or Subject Matter is required to be done by any Sheriff, the Expression "the Sheriff" shall in such Case be construed to mean the Sheriff of the County, City, Liberty, or Place where such Building is situate, or such Subject Matter arises; and if the Building is situate not wholly in One County, City, Liberty, or Place, the same Expression shall be construed to mean the Sheriff of any County, City, Liberty, or Place within which which any Part of such Building is situate: "Sheriff."

In all Cases in which the Name of an Officer having local Jurisdiction in respect of his Office is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer having Jurisdiction in that Place within which is situate the Building or other Subject Matter or any Part thereof to which such Reference applies: Local Officers.

"Person" shall include "a Body Corporate." "Person."

Limits of Act.

V. This Act shall extend to all Places within the following Limits; (that is to say,) Limits of Act. 8 Vict. c. 84. s. 3.

To all such Places lying on the North Side or Left Bank of the River Thames as are within the Boundaries of the Parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell:

To such Part of the Parish of Chelsea as lies North of the said Parish of Kensington:

All such Parts and Places lying on the South Side or Right Bank of the said River as are within the Boundaries of the Parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, and Wandsworth:

To all Places lying within Two hundred Yards from the Boundary of the District hereby defined, except the Eastern Part of the said Boundary which is bounded by the River Lea.

VI. This Act shall be divided into Four Parts: Division of Act.

(1.) The First Part relating to the Regulation and Supervision of Buildings:

(2.) The Second Part relating to ruinous Buildings:

(3.) The Third Part relating to Party Structures:

(4.) The Fourth Part relating to general Provisions.

PART I.

REGULATION AND SUPERVISION OF BUILDINGS.

Exempted Buildings.

VII. The following Buildings and Works shall be exempt from the Operation of this Act:

Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, and Wharf or Quay Walls:

Her Majesty's Royal Palaces, and any Building in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service:

Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlehem Hospital, and the House of Occupations adjoining:

The Mansion House, Guildhall, and Royal Exchange of the City of London:

The Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor and Company, either on the Site of or in addition to and in connexion with the said Edifice:

The Buildings of the British Museum:

The Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden:

The Buildings belonging to any Dock or Railway Company, and used for the Purposes of such Dock or Railway, under the Provisions of any Act of Parliament:

All Buildings (except Warehouses) wholly in One Occupation, and distant at least Eight Feet from the nearest Street or Alley, and at the least Thirty Feet from the nearest Buildings:

All Warehouses wholly in One Occupation, and distant at least Thirty Feet from the nearest Street or Alley, and at the least Sixty Feet from the nearest Buildings:

All Greenhouses and detached Buildings, if such Greenhouses and detached Buildings do not exceed in Height Twelve Feet, or in Capacity Three thousand Cubic Feet:

Openings made into Party Walls or Flues for the Purpose of inserting therein ventilating Valves of a Superficial Extent not greater than Forty Square Inches; provided that such Valves are Fifteen Inches distant from any combustible Material, and are not susceptible of being opened for a Distance greater than Thirty Degrees of a Circle.

VIII. With

Commencement and Application of Act.

VIII. With the Exemptions herein-before mentioned, this Act shall apply to all new Buildings; and whenever Mention is herein made of any Building, it shall, unless the contrary appears from the Context, be deemed to be a new Building.

Building, when deemed to be new.

IX. A Building shall be deemed to be new whenever the enclosing Walls thereof have not been carried higher than the Footings previously to the said Day of , and any other Building shall be deemed to be an old Building.

Alterations of and Additions to old Buildings.

X. Any Alteration, Addition, or Work made for any Purpose, except that of necessary Repair, in, to, or upon any old Building, or in, to, or upon any new Building after the Roof has been covered in, shall, to the Extent of such Alteration, Addition, or Work, be subject to the Regulations of this Act; and whenever Mention is hereinafter made of any Alteration, Addition, or Work in, to, or upon any Building, it shall, unless the contrary appears from the Context, be deemed to be an Alteration, Addition, or Work to which this Act applies.

Contracts to be modified to meet the Act. 7 & 8 Vict. c. 84. s. 9.

XI. Any Contract made previously to the passing of this Act for the Erection of a new Building shall be carried into effect in the same Manner as if this Act had been passed at the Time of the making thereof, and the necessary Deviations from the Terms of such Contract may be made accordingly; and if any Dispute arises in respect of any Loss sustained by any Party to such Contract by reason of such necessary Deviation, such Dispute shall be determined by Arbitration.

Rebuilding old Buildings.

XII. Whenever any old Building has been taken down to an Extent exceeding One Half of such Building, the rebuilding thereof shall be deemed to be the Erection of a new Building, and every Portion of such old Building that is not in conformity with the Regulations of this Act shall be forthwith taken down, unless the District Surveyor certifies that, having due Regard to the Purposes of this Act, it may be allowed to continue.

Division of old Buildings separated by irregular Partitions.

XIII. Whenever any old Buildings are separated by Timber or other Partitions not in conformity with this Act, then if such Partitions are taken down to the Extent of One Half thereof, such Buildings shall as respects the Separation thereof be deemed to be new Buildings, and be forthwith divided from each other in the Manner directed by this Act.

Measurement.

Rules as to Measurement.

XIV. The following Rules shall be observed with respect to Measurements:

Height of Building.

1. The Height of every Building, except in Cases where special Directions are given for the Measurement thereof, shall be ascertained by measuring from the Surface of the lowest Floor up to Half the vertical Height of the Rafters of the Roof:

Height of Story.

2. The Height of every Story shall be ascertained as follows; (that is to say,)

1. The Height of the topmost Story shall be ascertained by measuring from the Level of the Floor to the under Side of the Tie-beam or Tie-rod of the Roof, in Cases where such Roof has a proper Tie; but in all other Cases the Height shall be ascertained by measuring from the Level of the Floor up to Half the vertical Height of the Rafters;

2. The Height of every other Story shall be ascertained by measuring from the Level of the Floor of such Story to the Level of the Floor immediately above it:

Height of Wall.

3. The Height of every Wall shall be ascertained by measuring from the Base of the Wall to the Top of the uppermost Course of Brick or Stone used in the Construction of the Wall, including any Parapet built thereon, but excludiug any Chimney Shaft or any architectural Decoration that may be built upon the Wall:

Frontage and Depth when Ground Plot a Parallelogram.

4. In the Case of every Building of which the Ground Plot is a Parallelogram, the Frontage shall be ascertained by measuring from Centre to Centre of the Party Walls, and the Depth by measuring at Right Angles to the Frontage, inclusively of the External Walls:

Frontage and Depth when Ground Plot not a Parallelogram.

5. In the Case of every Building of which the Ground Plot is not a Parallelogram, or in the Case of any Building occupying the Corner of a Street, it shall be optional to ascertain the Frontage and Depth in either of the Two following Ways; (that is to say,) either,

1. Draw the smallest Parallelogram that contains the Ground Plot, and the Length of such Parallelogram shall be taken for the Frontage, and the Breadth for the Depth of the Building; or,

2. Take

2. Take as the Frontage the Side of a Square equal to the Area (such Area to be ascertained by the Rule given below), and as the Depth the Distance between the Two Angles of the Ground Plot most distant from each other:

6. The Breadth of every Building shall be measured in the general Direction of the Span or Bearing of the Roof, and shall coincide with the Depth or Frontage, as the Case may be:

7. The Length of every Building shall be equal to the Frontage when the Breadth coincides with the Depth, and shall be equal to the Depth when the Breadth coincides with the Frontage:

If Ground Plot subdivided by cross Walls.

8. If any Building is subdivided by Cross Walls of the Thickness herein-after required, the Words Frontage and Depth shall, for the Purposes of the Rules for determining the Thickness of the Walls, be deemed to apply to the largest of such Subdivisions:

Area.

9. The Area of every Building shall be deemed to be the Superficies of a Plan or horizontal Section of such Building made at the Point of its greatest Surface, including the External Walls, and such Portion of the Party Walls as belong to the Building:

Capacity.

10. The Capacity of every Building shall be ascertained by multiplying the Area by the Height.

Structure of Walls.

Structure of Walls.

XV. Walls shall be constructed of Brick, Stone, or other hard and incombustible Substances, solidly put together with Mortar or Cement, and the Foundations shall rest on the solid Ground, or upon Concrete or upon other Substructure, sufficient in the Opinion of the District Surveyor:

Thickness of Walls.

Rules as to Thickness of Walls in general.

XVI. The following Rules shall be observed with respect to the Thickness and Footings of External, Party, and Cross Walls:

1. The Thickness of every Wall, as determined by the Rules herein-after given, shall be the *minimum* Thickness:
2. No External, Party, or Cross Wall shall in any Case be less than Eight and a Half Inches thick:
3. The Thickness of a Wall shall not in any Portion of its Height exceed the Thickness at its Base:
4. The Thickness of every Wall built of Bricks shall be regulated by such Number of whole and half Bricks as together make up a Thickness equal to or greater than the Thickness required by the Rule:

5. The Thickness of every Stone Wall, in which the Beds of the Masonry are not laid horizontally, shall be One Third greater than the Thickness prescribed in the Rules hereinafter laid down:

6. The Projection of the Bottom of the Footing of every Wall, on each Side of the Wall, shall be at least One Half of the Thickness of the Wall at its Base, after deducting therefrom Four and a Half Inches:

7. The Diminution of the Footing of every Wall shall be formed in regular Off-sets, and the Height from the Bottom of such Footing to the Base of the Wall shall be at the least greater by One Third Part than the required Projection of such Footing.

Dwelling Houses.

Thickness of Walls of Dwelling Houses.

XVII. The following Rules shall be observed with respect to the Thickness of the External and Party Walls of Dwelling Houses:

1st. As to such Walls in general,—

No such Wall as aforesaid, excepting the Case herein-after mentioned, shall be less than Thirteen Inches thick:

2d. As to the Thickness of such Walls at their Bases,—

The Thickness shall be determined, in Cases where the Dwelling House does not contain any Story exceeding Twelve Feet in Height, by adding together the following Measurements; that is to say,

1. Fifteen Times the Height of the Building;
2. Eight Times the Breadth; and,
3. Five Times the Length;

and by taking the Thousandth Part of this Sum for the Thickness of the Wall at its Base; but if the Length exceeds twice the Breadth, it shall be lawful to take the Sixtieth Part of the Sum of the Height and the Breadth for the Thickness of the Wall at its Base;

The Thickness at the Base of the Wall, in Cases where the Dwelling House does contain any Story exceeding Twelve Feet in Height, shall be determined by taking the Thickness as before, and adding for every Story that exceeds Twelve Feet in Height to such Thickness One Fortieth Part of the Excess of such Story over Twelve Feet:

3d. As to the Thickness of the Walls throughout the topmost Stories,—

If the topmost Story does not exceed Sixteen Feet in Height, and the Breadth of the Building does not exceed Thirty Feet,

Feet, the External and Party Walls shall be Thirteen Inches thick, and the Cross Walls shall be Eight and a Half Inches thick throughout the Height of that Story;

In Cases where the topmost Story of any Dwelling House exceeds in Height Sixteen Feet, or where the Breadth of the Building exceeds Thirty Feet, the Thickness of the Walls of such Story shall be calculated by the Rules herein-after given for Public Buildings and Buildings of the Character of Public Buildings; and if a Thickness greater than Thirteen Inches is required by such Rules, then the Walls of such topmost Story shall be built of such greater Thickness:

4th. As to the Thickness of the Walls throughout their intermediate Height,—

The Thickness of every Wall throughout such intermediate Height shall be such that a straight Line drawn on each Side of the Wall from its Base up to the Level of the Floor of the topmost Story shall lie within the solid Brickwork or Masonry:

The Rules given in this Section for the Thickness of the Walls of the topmost Stories may be modified as follows; that is to say,

1. In the Case of any Dwelling House of which the Breadth does not exceed Thirty Feet, or of which the Height of the topmost Story does not exceed Sixteen Feet,
   1. If the Two topmost Stories do not together exceed in Height Twenty-four Feet, the External and Party Walls may be Thirteen Inches thick, and the Cross Walls may be Eight and a Half Inches thick, throughout those Two Stories;
   2. If the Three topmost Stories do not together exceed in Height Thirty-two Feet, the same Thickness shall suffice for the Walls of those Three Stories:
2. In the Case of any Dwelling House, if the Height does not exceed Forty Feet, and the Area does not exceed Five hundred Square Feet, and the Breadth does not exceed Twenty-five Feet, and the Roof has a proper Tie, and the Height of the topmost Story does not exceed Ten Feet, a Thickness of Eight and a Half Inches shall be deemed sufficient for the External and Party Walls, and for the Cross Walls, if any, throughout the topmost Story of such House.

Cross Walls.

XVIII. The Thickness of a Cross Wall of a Dwelling House shall be Two Thirds of the Thickness required for an External or Party Wall of the same Height; but no Wall subdividing any such Building shall be deemed to be a Cross Wall, unless it is carried up to the Roof.

Warehouses and Manufactories.

Rules as to Walls of Warehouses and Manufactories.

XIX. The following Rules shall be observed with respect to the Thickness of the External, Party, and Cross Walls of Warehouses and Manufactories; that is to say,

1. No External or Party Wall shall be less than Thirteen Inches thick, and no Cross Wall less than Eight and a Half Inches thick:
2. The Thickness of any such Wall at its Base shall be greater by One Fifth Part than the Thickness required by the Rules herein-before given for Dwelling Houses:
3. The Thickness of the Walls at the Top shall be Three Fifths of the Thickness at the Base, and such Thickness shall suffice for the Walls of the topmost Story:
4. The Thickness of the intermediate Parts of the Wall shall be such that a straight Line drawn on each Side of the Wall from the Base up to the Level of the Floor of the topmost Story shall lie within the solid Brickwork or Masonry:

Public Buildings and Buildings of the Character of Public Buildings.

Definition of Public Building, &c.

XX. Every Building shall for the Purposes of this Act be deemed a Public Building, or a Building of the Character of a Public Building, that has One Story only besides the Basement Story, and in addition possesses both or either of the following Characteristics; (that is to say,)

1. A Breadth exceeding Thirty Feet, such Breadth to be irrespective of any Support by Pillars:
2. A Height exceeding Sixteen Feet.

Rules as to Thickness of Walls of Public Buildings, &c.

XXI. The following Rules shall be observed with respect to the Thickness of the External and Party Walls of Public Buildings, and Buildings of the Character of Public Buildings at the Level of the Ground Floor; that is to say,

In Cases where such Walls are not strengthened by Buttresses,—

If the Roof has a proper Tie the Thickness shall be determined by adding together the following Measurements; that is to say,

1. Twenty Times the Height,
2. Twelve Times the Breadth,
3. Eight Times the Length,

And by taking the Thousandth Part of this Sum for the Thickness of each Wall at the Level of the Ground Floor; but if the Length exceeds Twice the Breadth, it shall be lawful to take One Fortieth Part of the Sum of the Height and the Breadth for the Thickness of the Walls at the Level of the Ground Floor:

In all other Cases the Thickness of each Wall at the Level of the Ground Floor shall be One Twentieth Part

Part of the Height of the Building added to One Fortieth Part of the Breadth:

In Cases where such Walls are strengthened by Buttresses having a clear Interval between them not exceeding One Fourth of the Height of such Wall,—

The Thickness shall be Two Thirds of the Thickness required in a Wall without Buttresses:

In Cases where such Walls are strengthened by Buttresses, having a clear Interval between them exceeding One Fourth Part of the Height of such Wall,—

Then add to Two Thirds of the Thickness required in a Wall without Buttresses One Fortieth Part of the Excess in the clear Interval between the Buttresses over and above One Fourth of the Height of the Wall.

XXII. The Thickness of the Cross Walls of every Public Building or Building of the Character of a Public Building shall be Two Thirds of the Thickness of an External or Party Wall of the same Height, but no Wall subdividing any such Building shall be deemed to be a Cross Wall unless it is carried up to the Roof.

Rules as to Buttresses.

XXIII. The following Rules shall be observed with respect to Buttresses; that is to say,

1. If the Roof has a proper Tie, each Buttress shall at the Base of the Wall have a Projection of at least One Sixteenth Part of the Height of the Wall:
2. If the Roof has not a proper Tie, each Buttress shall have at the Base of the Wall a Projection of at least One Twelfth Part of the Height of the Wall:
3. Each Buttress shall be carried up to Three Fourths of the Height of the Wall to which it is applied; but the Projection of each Buttress as it ascends may be reduced uniformly to One Fourth of the Projection at the Base of the Wall:
4. Each Buttress shall at the Base of the Wall have a Breadth of at least One Sixteenth Part of the Height of the Wall; but as the Buttress ascends such Breadth may be reduced uniformly to One Half of the Breadth required at the Base, so that the Breadth shall not in any Part be less than Eight Inches and a Half:
5. The Buttresses may either be placed wholly on one Side of the Wall, or partly on one Side and partly on the other; but the Two Parts must together make up the required Projection:
6. If the Wall changes its Direction Fifteen Degrees on the Plan, or is met by a Cross Wall, such Change in Direction or Cross Wall shall be considered as equivalent to a Buttress:

And no Buttress shall be deemed to be such for the Purposes of this Act unless the above Rules are complied with.

Thickness of Walls throughout intermediate Height.

XXIV. Whenever the Thickness of any Wall of a Public Building or Building of the Character of a Public Building at the Level of the Ground Floor has been found, the Thickness of such Wall at its Top and throughout its intermediate Height shall be determined as follows; that is to say,

1. The Thickness at the Top shall be Three Fifths of the Thickness of such Wall at the Level of the Ground Floor:
2. The Thickness of the Wall throughout its Height shall be such that a straight Line drawn on each Side of the Wall from the Surface of the Ground Floor to its Top shall lie within the solid Brickwork or Masonry, unless the Wall is built in Stages, in which Case the straight Lines aforesaid shall be drawn from the Level of the Ground Floor to touch the Wall on each Side of the lowest Course of the topmost Stage; but such topmost Stage, if built of the minimum Thickness of Three Fifths of the Thickness of the Wall at the Level of the Ground Floor, shall not exceed in Height One Third of the total Height of the Wall measured from the Level of the Ground Floor.

Thickness of Walls at Base.

XXV. The Thickness at the Base of any Wall belonging to such Public Building or Building of the Character of a Public Building must be greater than the Thickness at the Level of the Ground Floor by One Eighth of an Inch for every Foot below the Level of such Ground Floor.

Provision as to Party Walls.

XXVI. Notwithstanding anything herein contained, no Party Wall of any Public Building or Building of the Character of a Public Building shall be less than Thirteen Inches thick.

Buildings in respect of which no Rules have been given.

XXVII. All Buildings, not being Dwelling Houses, Warehouses, Manufactories, or Buildings comprised in the Definition herein-before given of Public Buildings and Buildings of the Character of Public Buildings, shall be subject to the Rules hereby given for Dwelling Houses.

Circular, other Curvilinear, and Polygonal Walls.

Rules as to circular Walls, &c.

XXVIII. The following Rules shall be observed with respect to the Thickness of circular, other curvilinear, and polygonal Walls:

If the Ground Plan of any Wall is a Circle or a Segment of a Circle, such Wall may be built of a reduced Thickness according to the following Rules; but such Reduction shall not be allowed in Cases where the Distance measured from the Middle of the Chord of such Segment to the Circumference is less than One Sixteenth of the Height of the Wall:

First

First determine the Thickness of the Wall, supposing it to be straight, using in all Cases the former Rules:

The Thickness thus having been determined, on the Supposition of the Wall being straight, the Thickness of the circular Wall shall be to the Thickness of the straight Wall as the Radius of the Circle with Four Feet added is to the same Radius with Twenty-two Feet added:

If the Ground Plan of any Wall is a continuous Curve, not a Circle, such continuous Curve may be supposed to be divided into such a Number of circular Segments as practically coincide with the Direction of the Wall, and the Thickness of the Wall in each Segment may be found from the Rules above given:

If the Ground Plan of any Wall is a Polygon or Part of a Polygon, the Thickness of such Wall shall be considered sufficient if it contains within the solid Construction an imaginary circular Wall of the requisite Thickness.

Recesses and Openings.

XXIX. The following Rules shall be observed with respect to Recesses and Openings in Walls: Rules as to Recesses. 14 & 15 Vict. Sch. c. 8.

Recesses and Openings may be made in External Walls, provided,

1. That the Backs of such Recesses are not of less Thickness than Eight and a Half Inches; and,
2. That the Area of such Recesses and Openings do not, taken together, exceed One Half of the whole Area of the Wall in which they are made;
3. That no Recess or Opening is formed within Two Feet of the Extremities of the Frontage of the Building, excepting where Columns or Story Posts of Iron are used, conformably to the Rules for Bressummers herein-after mentioned:

Recesses may be made in Party Walls, provided that,

1. The Backs of such Recesses are not of less Thickness than Thirteen Inches;
2. That every Recess so formed is arched over, and that the Area of such Recesses do not, taken altogether, exceed One Half of the whole Area of the Wall in which they are made;
3. That such Recesses do not come within One Foot of the inner Face of the External Walls;

But no Opening shall be made in any Party Wall, except for the Purpose of uniting Buildings in accordance with the Rules of this Act:

Recesses or Openings may be made in Cross Walls, provided that

The Area of such Recesses or Openings do not exceed One Third of the Area of the Wall in which they are made:

The Word Area, as used in this and the following Section, shall mean the Area as seen on the vertical Face, or Elevation, of the Wall, Pier, or Recess to which it refers.

Incorporation of old Walls into new.

Rules for the Incorporation of old and new Work.

XXX. The following Rules shall be observed with respect to the Incorporation of old into new Walls:

1. Every External, Party, or Cross Wall of any Dwelling Honse, Warehouse, or Manufactory, of which Wall any Portion is formed of an old Wall requiring to be altered to bring it into Conformity with the Rules of this Act, shall, throughout the whole Extent that such old Wall is incorporated into the new Wall, be made of a Thickness greater by One Third than would be required under this Act if such Wall were entirely new, unless such old Wall is strengthened by Piers having an Area of at least Two Fifths of the Area of such Wall, such Piers, together with the old Wall, to make up together a Thickness of One Third greater than would be required under this Act for the Thickness of such Wall if entirely new:

2. Every External, Party, or Cross Wall of any Public Building, or Building of the Character of a Public Building, of which Wall any Portion is formed of an old Wall requiring to be altered to bring it into Conformity with the Rules herein-before given, shall, throughout the whole Extent that such old Wall is incorporated into the new, be made of a Thickness greater by One Third than would be required under this Act if such Wall were entirely new, unless Buttresses are so added as to bring such old Wall into Conformity with the Rules herein-before given for Walls strengthened by Buttresses, in which Case such Buttresses shall have a Breadth greater by One Third than is required by the Rules herein-before given for Buttresses:

3. All new Brickwork or Masonry used to incorporate old Walls into new Work shall be built and bonded into the old Walls in Cement:

4. No Union of any old and new Work shall be permitted unless the old Wall is Thirteen Inches thick, and is pronounced by the District Surveyor to be sound.

BUILDINGS NOT INCLUDED IN THE FOREGOING RULES.

XXXI. Iron Buildings, and Buildings covered with Brick or Stone Vaults of a clear internal Span greater than Fifteen Feet, or Domes of a clear internal Diameter greater than Twenty Feet, and any other Building to which the foregoing Rules do not apply, shall require the special Sanction of the Commissioners of Works and Buildings. Buildings not included in foregoing Rules.

MISCELLANEOUS.

XXXII. All Woodwork fixed in any External Wall, except Bressummers and Story Posts under the same, and Frames of Doors and Windows of Shops on the Ground Story of any Building, shall be set back Four Inches at the least from the external Face of such Wall. Timber in External Walls.

XXXIII. The following Rules shall be observed with respect to Bressummers :— Rules as to Bressummers. 8 Vict. c. 84. Sched. D. Part 2.

Every Bressummer must have a Bearing in the Direction of its Length of Four Inches at the least at each End, upon a sufficient Pier of Brick or Stone, or upon a Timber or Iron Story Post fixed on a solid Foundation, independent of its Bearing upon any Party Wall; and the Ends of such Bressummer shall not be placed nearer to the Centre Line of the Party Walls than One Third of the entire Thickness of any such Wall:

If the Story Post under any such Bressummer is of Iron, it shall not be placed nearer to the Centre Line of the Party Walls than Six and a Half Inches, and if of Wood it shall not be placed nearer to the Centre Line of the Party Walls than Eleven Inches:

Every Bressummer bearing upon any Party Wall must be borne by a Templet or Corbel of Stone or Iron tailed through at least Half the Thickness of such Wall, and of the full Breadth of the Bressummer:

In Cases where Beams or Bressummers or Joists of Cast Iron are used in any Building, the Builder shall be required to produce to the District Surveyor Certificates of the said Beams, Bressummers, or Joists having been tested to a Weight at least One Half greater than that which they are required to support.

XXXIV. If any Gutter, any Part of which is formed of combustible Materials, adjoins an External Wall, then such Wall must be carried up so as to form a Parapet One Foot at the least above the highest Part of such Gutter, and the Thickness of the Height and Thickness of Parapets to External Walls. 8 Vict. c. 84. Sched. D. Part 2.

Parapet so carried up must be at the least Eight and a Half Inches, reckoned from the Level of the Underside of the Gutter Plate.

Height of Party Walls above Roof. 8 Vict. c. 84. Sch. D., Part 3.

XXXV. Every Party Wall shall be carried up above the Roof, Flat, or Gutter of the highest Building adjoining thereto, and also above any Part of such Roof which is within the Distance of Three Feet opposite thereto, to such Height as shall give a Distance of Fifteen Inches measured at Right Angles to the Slope of the Roof, or Fifteen Inches above the highest Part of any Flat or Gutter, as the Case may be; and every Party Wall shall be carried up above any Turret, Dormer, Lantern Light, or other Erection of combustible Materials fixed upon the Roof or Flat of any Building within Four Feet from such Party Wall, and shall extend at the least Twelve Inches higher and wider on each Side than such Erection.

Chases in Party Walls. 8 Vict. c. 84. Sch. D., Part 3.

XXXVI. In a Party Wall no Chase shall be left or cut wider than Fourteen Inches, nor more than Four and a Half Inches deep from the Face of the Wall, nor so as to leave less than Eight and a Half Inches in Thickness at the Back or opposite Side thereof, and no Chase may be made within a Distance of Seven Feet from any other Chase on the same Side of the Wall.

Rule as to Tie of Roof.

XXXVII. The Roof of every Warehouse of a greater Breadth than Twenty Feet shall have a proper Tie, as herein-before defined.

Rules as to Partitions.

XXXVIII. Every Partition formed of Wooden Quartering used in any Building shall be filled in solidly for a Height of at least One Foot above the Surface of every Floor with Brick or Stone set in Mortar, or with Concrete or other incombustible Material.

Construction of Roofs. 8 Vict. c. 84. Sch. G.

XXXIX. The Roofs of Buildings shall be constructed as follows; that is to say,

The Flat, Gutter, and Roof of every Building, and every Turret, Dormer, and Lantern Light, or other Erection placed on the Flat or Roof thereof, shall be externally covered with Slates, Tiles, Metal, or other incombustible Materials, except the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Lights, or other Erections.

Rules as to Chimnies and Flues. 8 Vict. c. 84. Sch. F.

XL. The following Rules shall be observed as to Chimnies and Flues:

1. Chimnies built on Corbels of Brick, Stone, or other incombustible Materials may be introduced above the Level of the Ceiling of the Ground Story, but all other Chimnies shall

shall be built on solid Foundations, and with Footings similar to the Footings of the Wall against which they are built:

2. Openings of Chimnies.—An Arch of Brick or Stone must be built over the Opening of every Chimney to support the Breast thereof, and if the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Seventeen and a Half Inches, the Abutments must be tied in by an Iron Bar or Bars turned up or down at the Ends and built into the Jambs for at least Eight and a Half Inches on each Side:

3. The Inside of every Flue, and the Back or Outside, unless forming Part of the outer Face of an External Wall, must be rendered or pargeted:

4. The Jambs of every Chimney must at the least be Eight and a Half Inches wide on each Side of the Opening thereof:

5. The Breast of every Chimney, and the Front, Withe, Partition, and Back of every Flue, must at the least be Four Inches in Thickness:

6. The Back of every Flue in a Party Wall in and from the First or Basement Story of any Building shall at the least be Eight and a Half Inches thick throughout:

8. The Back of every Chimney Opening, from the Hearth up to the Height of Twelve Inches above the Mantel, must at the least be Eight and a Half Inches thick if in a Party Wall, or Four and a Half Inches thick if not in a Party Wall:

9. In the First or Basement Story of any Building, the Back of every Chimney Opening must at the least be Thirteen Inches thick if in a Party Wall, and Eight and a Half Inches thick if not in a Party Wall:

10. The Thickness of the upper Side of every Flue, when its Course is horizontal, or at an Angle with the Horizon of less than Forty-five Degrees, must be Eight and a Half Inches:

11. Every Chimney Shaft shall be carried up in Brick or Stone Work all round, at the least Four Inches thick, to a Height of not less than Three Feet above the Roof, Flat, or Gutter adjoining thereto, measured at the highest Point in the Line of Junction with such Roof, Flat, or Gutter:

12. The Brickwork or Stonework of no Chimney Shaft, excepting that of the Furnace of any Steam Engine, Brewery, Distillery, or Manufactory, shall be built higher above the Roof, Flat, or Gutter adjoining thereto, measured from the highest

Point in the Line of Junction with such Roof, Flat, or Gutter, than a Height equal to Six Times the least Width of such Chimney Shaft at the Level of such highest Point in the Line of Junction, unless such Chimney Shaft is built with and bonded to another Chimney Shaft not in the same Line with the first, in which Case the first-mentioned Chimney Shaft may be built twice as high as would have been permitted if there had been no such additional Chimney Shaft:

13. The Chimney Shaft of the Furnace of every Steam Engine, Brewery, Distillery, or Manufactory shall be built of such Heights and Dimensions as may be satisfactory to the Commissioners of Works and Buildings:

14. There shall be laid, level with the Floor of every Story, before the Opening of every Chimney, a Slab of Stone, Slate, or other incombustible Substance, at the least Twelve Inches longer than the Width of such Opening, and at the least Eighteen Inches wide in front of the Breast thereof:

15. On every Floor, except the lowest Floor, such Slab must be laid wholly upon Stone or Iron Bearers, or upon Brick-Trimmers; but on the lowest Floor it may be laid on a Brick Fender bedded on the solid Ground:

16. The Back Hearth of every Chimney must be bedded wholly on Brick, Stone, or other incombustible Substance, and must be solid for a Thickness of Nine Inches at the least beneath the upper Surface of such Hearth:

17. No Chimney or Flue shall be made or added to any Wall after such Wall is built, unless the whole of the Brick-work of such new Chimney or Flue is built in Cement, and properly connected with and bonded into the Brickwork of the Wall; and if the Inside of such new Chimney or Flue is intended to be in any Part within Eight and a Half Inches from the other Side of the Wall in which it is to be inserted or against which it is to be built, the Brick-work of such Wall must be removed throughout the whole Thickness of such Wall or such Part thereof, and new Brickwork inserted as aforesaid:

18. No Flue shall be built against any Party Structure, unless a Withe properly secured thereto, at the least Four Inches in Thickness, is at the same Time built all round:

19. No Chimney Breast or Shaft built with or in any Party Wall shall be cut away unless the District Surveyor certifies that it can be done without injuriously affecting the Stability of any Part of any Building:

20. No

20. No Chimney Shaft, Jamb, Breast, or Flue shall be cut into except for the Purpose of doing some One or more of the following Things:

Of letting in or removing or altering Flues, Pipes, or Tunnels for the Conveyance of Smoke, hot Air, or Steam, or of letting in, removing, or altering Smoke Jacks:

Of forming Openings for Soot Doors, such Openings to be fitted with a close Iron Door and Frame:

Of making Openings for the Insertion of ventilating Valves, subject to the following Restrictions:

That no Opening shall be made nearer than Twelve Inches to any Timber or combustible Substance:

That any Valve when inserted shall not be susceptible of being opened for a Distance from its vertical Position of more than Thirty Degrees of a Circle:

21. No Timber or Woodwork shall be placed,

In any Wall or Chimney Breast nearer than Twelve Inches to the Inside of any Flue or Chimney Opening;

Under any Chimney Opening within Eighteen Inches from the upper Surface of the Hearth of such Chimney Opening;

Within Two Inches from the Face of the Brickwork or Stonework about any Chimney or Flue, where the Substance of such Brickwork or Stonework is less than Eight and a Half Inches thick;

And no Wooden Plugs shall be driven nearer than Six Inches to the Inside of any Flue or Chimney Opening, nor any Iron Holdfast or other Iron Fastening nearer than Two Inches thereto.

XLI. The following Rules shall be observed as to close Fires and Pipes for conveying heated Vapour or Water; that is to say,

Rules as to close Fires and Smoke Pipes. 8 Vict. c. 84. Sch. F.

The Floor under every Oven or Stove used for the Purpose of Trade or Manufacture, with the Exception of any moveable Ironing Stove or other close Fire, and the Floor around the same for a Space of Eighteen Inches, shall be formed of Materials of an incombustible and non-conducting Nature:

Every moveable Ironing Stove shall stand in an Iron Pan of such a Size as to leave on every Side except the Back a Space of not less than Twelve Inches between the Extremity of the Pan and the nearest Portion of the Stove:

No Oven or Stove, with the Exception of such Ironing Stove as aforesaid, or other close Fire, shall be nearer to any Party Wall than Four Inches, or to any Wood than Eighteen Inches, the Distance in each Case to be reckoned from the nearest Point in which ignited Fuel can be placed:

No Pipe for conveying Smoke, heated Air, Steam, or hot Water shall be fixed against any Building on the Face next to any Street, Alley, Mews, or public Way:

No Pipe for conveying heated Air or Steam shall be fixed nearer than Six Inches to any combustible Material:

No Pipe for conveying hot Water shall be placed nearer than Three Inches to any combustible Material:

No Pipe for conveying Smoke or other Products of Combustion, with the Exception of the Products of Combustion of Gas, shall be fixed nearer than Nine Inches to any combustible Material; but Pipes for conveying the Products of the Combustion of Gas, if formed of Stone, Earthenware, or such other Fire-proof Materials as are approved by the District Surveyor, may be fixed at a Distance of not less than Four Inches from any such combustible Materials as aforesaid:

And if any Person fails in complying with the Rules of this Section he shall for each Offence incur a Penalty not exceeding *Twenty Pounds*, to be recovered before Two Justices of the Peace.

Rules as to Interior of Buildings. 8 Vict. c. 84. Sched. C.

XLII. The following Rules shall be observed with respect to Accesses and Stairs:

In every Public Building containing more than One hundred and twenty-five thousand Cubic Feet, and in every Building used as a Church, Chapel, or other Place of Public Worship, College, Hall, Hospital, Theatre, public Concert Room, public Ball Room, public Lecture Room, public Exhibition Room, or any similar Purpose, for the Assemblage of Persons in large Numbers, and in every other Building containing more than a like Number of Cubic Feet, and used as a Dwelling House for separate Families, the Floors and Sides of the Lobbies, Corridors, Passages, and Landings, and also the Flights of Stairs, shall be of Stone or other Fire-proof Material, and carried by Supports of a Fire-proof Material.

Party Arches over public Ways. 8 Vict. c. 84. Sched. D., Part 5.

XLIII. Every Party Arch and every Arch or Floor over any public Way, or any Passage leading to Premises in other Occupation, must be built of Brick, Stone, or other incombustible Materials, and must be carried on such Materials, and be of the Thickness of Four Inches at

at the least if the Span does not exceed Six Feet, and of Eight and a Half Inches at the least if the Span does not exceed Fifteen Feet.

Arches under public Ways.

XLIV. Every Arch under any public Footpath or Way shall be built of Brick or Stone, and shall be of the Thickness of Eight and a Half Inches at the least if the Span does not exceed Ten Feet, and of Thirteen Inches at least if the Span exceeds Ten Feet.

Rules as to Projections. 8 Vict. c. 84. Sched. E.

XLV. The following Rules shall be observed as to Projections:

1. Every Coping, Cornice, Facia, Window Dressing, Portico, Balcony, Verandah, Balustrade, and architectural Projection or Decoration whatsoever, and also the Eaves or Cornices to any overhanging Roof, except the Cornices and Dressings to the Window Fronts of Shops, shall be of Brick, Tile, Stone, artificial Stone, Slate, Cement, or other Fire-proof Material:

2. In Streets or Alleys of a less Width than Thirty Feet, any Shop Front may project beyond the External Wall of the Building to which it belongs for Five Inches and no more, and any Cornice may project Thirteen Inches and no more; and in any Street or Alley of a Width greater than Thirty Feet, any Shop Front may project Ten Inches and no more, and the Cornice may project for Eighteen Inches from the External Walls, but no more:

3. No Part of the Woodwork of any Shop Front shall be fixed nearer than Four and a Half Inches from the Line of Junction of any adjoining Premises, unless a Pier or Corbel of Stone, Brick, or other Fire-proof Material, Four and a Half Inches wide at the least, be built or fixed next to such adjoining Premises as high as such Woodwork is fixed, and projects an Inch at the least in front of the Face thereof:

4. The Roof, Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom from dropping upon or running over any public Way:

5. With the foregoing Exceptions, and with the Exception of Water Pipes and their Appurtenances, no Projection from any Building shall extend beyond the Line of the public Street or Way, unless the District Surveyor certifies that the same may be done with due Regard to the Public Interests, and such Certificate is confirmed by the Commissioners of Works and Buildings.

Construction and Maintenance of Buildings.

XLVI. Every Building and Wall shall be maintained in a secure Manner, so as not to become dangerous to the Inmates or other Persons.

Separation of Buildings and Limitation of Areas. 8 Vict. c. 84. Sched. (C.), Part IV.

XLVII. The following Rules shall be observed as to the Separation of Buildings, and Limitation of their Areas:

Every Building in the same Occupation shall be separated by External or Party Walls from any adjoining Building or Ground in another Occupation:

Separate Sets of Chambers or Rooms tenanted by different Persons shall, if contained in a Building exceeding Three thousand six hundred Square Feet in Area, be deemed to be distinct Buildings, and be divided accordingly, so far as they adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors:

If any Building hitherto in One Occupation is divided into Two or more Tenements, each having a separate Entrance and Staircase, or a separate Entrance from without, every such Tenement shall be deemed to be a separate Building for the Purposes of this Act:

Every Warehouse containing more than Two hundred and sixteen thousand Cubic Feet shall be divided by Party Walls in such Manner that the Contents of each Division thereof shall be less than the above-mentioned Number of Cubic Feet.

Rules as to uniting Buildings. 8 Vict. c. 84. Sched. (C.), Part IV.

XLVIII. The following Rules shall be observed as to uniting Buildings:

No Buildings shall be united unless they are wholly in the same Occupation:

No Buildings shall be united, if when so united they will, considered as One Building only, be in contravention of any of the Provisions of this Act:

No Opening shall be made in any Party Wall dividing Buildings, which, if taken together, would contain more than Two hundred and sixteen thousand Cubic Feet, except under the following Conditions:

Such Opening shall not exceed in Width Seven Feet or in Height Eight Feet:

Such Opening shall, unless the District Surveyor certifies that a different Construction may be safely adopted, have the Floor, Jambs, and Head formed of Brick, Stone, or Iron, and be closed by Two Wrought Iron Doors,

Doors, each One Fourth of an Inch thick in the Panel, at a Distance from each other of the full Thickness of the Wall, fitted and hung in rebated Frames, without Woodwork of any kind:

Whenever any Buildings cease to be in the same Occupation, any Openings made in the Party Walls dividing the same shall be stopped up with Brick or Stone Work of the full Thickness of the Wall itself, and properly bonded therewith.

District Surveyors.

XLIX. With the Exemptions herein-before mentioned, every Building, and every Addition, Alteration, or other Work made to, in, or upon any Building, shall be subject to the Supervision of such District Surveyor as is herein-after mentioned.

Buildings to be supervised by District Surveyor. 8 Vict. c. 84. s. 68.

L. Subject to the Provisions herein-after contained, the several Places which at the Time when this Act comes into operation are constituted Districts under the Act passed in the said Eighth Year of the Reign of Her present Majesty, Chapter 84, for the Purposes of that Act, shall continue to be Districts for the Purposes of this Act, and the several Persons who at the Time when this Act comes into operation are District Surveyors under the Provisions of the said Act shall continue to be District Surveyors under this Act.

Division of Districts and Appointment of District Surveyors to continue in force.

LI. The following Provisions shall be made with respect to District Surveyors and Districts:

Provisions as to District Surveyors.

1. All Appointments of District Surveyors shall henceforth be made by the Commissioners of Works and Buildings:
2. The Commissioners of Works and Buildings may remove any District Surveyor from his Office:
3. The Commissioners of Works and Buildings may, by Order, at their Discretion, extend or otherwise alter the Limits of any District, or unite any Two or more Districts together, and in any such Case place such altered or extended or consolidated District under the Supervision of any existing or of any newly appointed District Surveyor, and may from Time to Time extend, contract, or otherwise alter any District so made:
4. Every Order of the said Commissioners made in pursuance of the Powers hereby given shall be published in the London Gazette, and shall come into operation at and from the Date of such Publication.

District Surveyor to have Office. 8 Vict. c. 84. s. 72.

LII. Every District Surveyor shall have and maintain an Office at his own Expense in such Part of his District as may be approved by the Commissioners of Works and Buildings.

District Surveyor may appoint Deputy. 8 Vict. c. 64. s. 73.

LIII. If any District Surveyor is prevented by Illness, Infirmity, or any other unavoidable Circumstance from attending to the Duties of his Office, he may, with the Consent of the Commissioners of Works and Buildings, appoint some other Person as his Deputy to perform all his Duties for such Time as he may be prevented from executing them.

Assistant Surveyor may be appointed on Emergency, 8 Vict. c. 84. s. 75.

LIV. If at any Time it appears to the Commissioners of Works and Buildings that, on account of the Pressure of Business in any District, or any other Account, the Surveyor of that District cannot discharge his Duties promptly and efficiently, then such Commissioners may direct any other Surveyor to assist the Surveyor of such District in the Performance of his Duties, or appoint some other Person to give such Assistance.

District Surveyor not to act in case of Works under his professional Superintendence. 8 Vict. c. 84. s. 75.

LV. If any Building is executed, or any Addition, Alteration, or Work is made to, in, or upon any Building, by or under the Superintendence of any District Surveyor acting professionally or on his own private Account, it shall not be lawful for such Surveyor to survey any such Building for the Purpose of this Act, or to act as District Surveyor in respect thereof or in any Matter connected therewith, but it shall be his Duty to give Notice thereof to the said Commissioners, who shall then appoint some other District Surveyor to act in respect of such Matter.

Notices to District Surveyors.

Notices to be given to District Surveyor by Builder. 8 Vict. c. 84. s. 13.

LVI. Two Days before the following Acts or Event, that is to say,

Two Days before any Building, or any Addition, Alteration, or other Work to, in, or upon any Building, is commenced, and also, if the Progress of any such Building or Work is after the Commencement thereof suspended for any Period exceeding *Three* Months, *Two* Days before such Building or Work is resumed, and also if during the Progress of any such Building or Work the Builder employed thereon is changed, then Two Days before any new Builder enters upon the Continuance of such Building or Work,

It shall be the Duty of the Builder engaged in building or rebuilding such Building or in executing such Work, or in continuing such Building, Work, or Operation, to give to the District Surveyor, at his Office,

Notice

Notice in Writing stating the Situation and intended Use of the Building or Buildings about to be commenced, or to, in, or upon which any Addition, Alteration, or other Work is to be made, and the Number of such Buildings if more than One, and also the Particulars of any such proposed Addition, Alteration, or other Work, but any Additions, Alterations, or Works to, in, or upon the same Building that are in progress at the same Time may be included in One Notice.

District Surveyor to cause Rules of Act to be observed.

LVII. Every District Surveyor shall, upon the Receipt of any such Notice as aforesaid, and also upon any Work affected by the Rules and Directions of this Act, but in respect of which no Notice has been given, being observed by or made known to him, and also from Time to Time during the Progress of any Works affected by the Rules and Directions of this Act, when and as often as may be necessary for securing the due Observation of such Rules and Directions, survey any Building or Work hereby placed under their Supervision, and cause all the Rules and Directions of this Act to be duly observed.

Notice to be Evidence of intended Works.

LVIII. Every Notice given in pursuance of this Act shall be deemed, in any Question relative to any Building, Work, or Operation, to be primâ facie Evidence as against such Builder, Owner, or Occupier of the Nature of the Building, Work, or Operation proposed to be built or executed.

Builder to be fined in default of Notice. 8 Vict. c. 84. s. 13.

LIX. If any Builder neglects to give such Notice in any of the Cases aforesaid, or before giving such Notice, or before the Expiration of any of such Periods of *Two* Days, executes any of the Works mentioned in such Notice, such Builder shall for every such Offence incur a Penalty not exceeding *Twenty Pounds*, to be recovered before Two Justices of the Peace.

Entry on Premises. 8 Vict. c. 84. s. 17.

LX. At all Times during the Progress of any Building or Work affected by this Act it shall be lawful for the District Surveyor to enter upon the Premises upon which such Work has been commenced; and if at any Time whilst any Building or Work is in progress any Person refuses to admit such Surveyor, during the customary working Hours, to inspect such Building or Work, or refuses or neglects to afford such Surveyor all reasonable Assistance in such Inspection, in every such Case the Offender shall forfeit for each Offence a Penalty not exceeding *Twenty Pounds*.

In case of Emergency Works may be com-

LXI. If by reason of any Emergency of Danger any Act, Matter, or Thing is required to be done immediately, or before Notice can be given as aforesaid, then it shall be lawful to do such Act, Matter, or

menced without Notice. 8 Vict. c. 84. s. 13.

Thing so required to be done, upon condition that before the Expiration of Twenty-four Hours after such Act, Matter, or Thing has been begun Notice thereof is given to the District Surveyor.

PROCEEDINGS BY DISTRICT SURVEYORS IN CASE OF IRREGULARITY.

Notice by District Surveyor in case of Irregularity.

LXII. In the following Cases, that is to say,—

If in erecting any Building, or in making or doing any Addition, Alteration, or Work to, in, or upon any Building, anything is done contrary to any of the Rules of this Act, or anything required by this Act is omitted to be done; or

If the District Surveyor, on surveying or inspecting any such Building, Addition, Alteration, or Work, finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the Rules of this Act, or whether anything required by the Rules of this Act has been omitted to be done:

In every such Case the District Surveyor shall give to the Builder engaged in erecting such Building, or in making or doing any such Addition, Alteration, or Work, or to any Foreman or Principal Workman on the Premises acting under such Builder, Notice in Writing requiring such Builder within *Forty-eight* Hours from the Date of such Notice to cause anything done contrary to the Rules of this Act to be amended, or anything required to be done by this Act, but which has been omitted to be done, or so much of any Building or Work as prevents such District Surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid, to be to a sufficient Extent cut into, laid open, or pulled down.

On Non-compliance with Notice, Justices to make Order.

LXIII. If the Builder required by such Notice to do any Matter or Thing makes default in complying with the Requisition thereof within such Period of *Forty-eight* Hours, the District Surveyor may cause Complaint of such Non-compliance to be made before Two Justices, and such Justices shall thereupon issue a Summons requiring the Builder so in default to appear before them; and if upon his Appearance, or in his Absence, upon due Proof being given of the Service of such Notice, it is proved to the Satisfaction of such Justices that the Requisitions made by such Notice, or any of them, are authorized by this Act, they shall make an Order on such Builder commanding him to comply with the Requisitions of such Notice, or any of such Requisitions that may in their Opinion be authorized by this Act, within a Time to be named in such Order.

Penalty on Non-compliance with Order.

LXIV. If such Order is not complied with, the Builder on whom it is made shall incur a Penalty not exceeding *Twenty Pounds* a Day

Day recoverable before Two Justices of the Peace during every Day of the Continuance of such Non-compliance, and in addition thereto the District Surveyor may, if he thinks fit, proceed with a sufficient Number of Workmen to enter upon the Premises and do all such Matters and Things as may be necessary for enforcing the Requisitions of such Notice, and bringing any Building into Conformity with the Rules of this Act, and all Expenses incurred by him in so doing may be recovered from the Builder on whom such Order was made, in a summary Manner, before Two Justices of the Peace; but any Order made by such Two Justices as aforesaid shall be subject to Appeal in manner herein-after mentioned.

Fees of District Surveyors.

Payments to District Surveyors.

LXV. There shall be paid to the District Surveyors in respect of the several Matters specified in the First Part of the Schedule hereto such Fees, not exceeding the Amounts therein specified, as may from Time to Time be directed by the Commissioners of Works and Buildings; but One Fee only shall be chargeable with respect to any such Additions, Alterations, and Works in, to, or upon any Building as are in pursuance of the Provisions herein-before contained included in One Notice.

Commissioners of Works may appoint special Fees for Services not provided for.

LXVI. If any special Service is required to be performed by the District Surveyor under the First Part of this Act, for which no Fee is specified in the said Schedule, the Commissioners of Works and Buildings may order such Fee to be paid for such Service as they think fit, and the District Surveyor shall have the same Remedy for recovering such special Fee as if the same were expressly named in the said Schedule.

Surveyor when entitled to Fees. 8 Vict. c. 84. s. 77.

LXVII. At the Expiration of the following Periods, that is to say,

Of *One* Month after the Roof of any Building erected and surveyed by any District Surveyor under this Act has been covered in,

Of *Fourteen* Days after the Completion of any Addition, Alteration, or other Work by this Act placed under the Supervision of the District Surveyor,

Of *Fourteen* Days after any special Service has been performed,

the District Surveyor shall, on delivering to the Builder employed in erecting such Building, or in making such Addition, Alteration, or other Work, or in doing any Matter in respect of which any special Service has been performed by the Surveyor, an Account of the Fees incurred, and upon tendering a Receipt duly signed be entitled to receive from the Builder the Amount of such Fees; and if any

such Builder refuses to pay the same, such Fees may be recovered in a summary Manner before Two Justices of the Peace.

Returns by District Surveyors.

District Surveyor to make monthly Returns. 8 Vict. c. 84. s. 78.

LXVIII. Every District Surveyor shall, within *Seven* Days after the First Day of every Month, make a Return to the Commissioners of Works and Buildings of all Notices and Complaints received by him relative to the Business of his District, and the Results thereof, and of all the several Works supervised and special Services performed by him in the Exercise of his Office within the previous Month, and of all Fees charged or received in respect thereof, and specify in such Return the Description and Locality of every Building built, rebuilt, enlarged, or altered, or on which any Work or Operation has been executed under his Supervision, with the particular Nature of every Alteration or other Work in respect of which any Fee has been charged or received.

Return duly signed to be a Certificate that Works are agreeable to Act. 8 Vict. c. 84. s. 78.

LXIX. Every such Return shall be signed by such Surveyor, and shall be deemed to be a Certificate that all the Works enumerated therein as completed have been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him.

Treasurer to audit Accounts of Fees charged by District Surveyors, and to report in case of Excess.

LXX. The Officer herein-after mentioned as the Superintending Architect, or such other Officer as the Commissioners of Works and Buildings appoint, shall from Time to Time examine the said monthly Returns made by the District Surveyors; and in case any of such Fees appear to such Officer to be unauthorized by this Act, or to exceed in Amount the Rates thereby made payable, or in case any such Account appears to be in any respect fraudulent or untrue, he shall make his Report in Writing to that Effect to the Commissioners of Works and Buildings, who shall thereupon take such Steps in the Matter as they deem expedient.

Powers of Commissioners of Works and Buildings.

Power for Commissioners of Works and Buildings to modify Rules. 8 Vict. c. 84. s. 11.

LXXI. The Commissioners of Works and Buildings may, by Order made with the Consent of Her Majesty in Council, alter in such Manner as they may think fit the Rules herein-before contained for the Regulation of the Thickness of Walls.

Iron Buildings, &c.

LXXII. Whenever any Builder is desirous of erecting any Iron Building or any Building covered with a Brick or Stone Vault of a clear internal Span greater than Fifteen Feet, or with a Dome of a greater internal Diameter than Twenty Feet, he shall make an Application to the Commissioners

Commissioners of Works and Buildings, stating such Desire, and setting out a Plan of the proposed Building, with such Particulars as to the Construction thereof as may be required by the said Commissioners; and the latter, if satisfied with such Plan and Particulars, shall issue an Order, accompanied with such explanatory Designs and Plans as they think fit, directing such Building to be constructed in manner mentioned in the said Order, and thereupon the same may be constructed accordingly.

Buildings may be built according to Plans approved by the Commissioners of Works and Buildings.

LXXIII. In the Case of any Building whatever, except Buildings mentioned in the last preceding Section, the Builder may either construct the same according to the foregoing Rules, or, if such Rules are inapplicable or inconvenient, may make an Application to the Commissioners of Works and Buildings, stating such Inapplicability or Inconvenience, and setting out a Plan of the proposed Building, with such Particulars as to the Construction thereof as may be required by such Commissioners; and the latter, if satisfied with such Plan and Particulars, may issue an Order under their Seal, accompanied with such explanatory Designs or Plans as they may think fit, directing such Building to be constructed in manner mentioned in the said Order, and not according to the foregoing Rules of this Act, and thereupon the same may be construed accordingly.

Power of Commissioners to makeGeneral Rules.

LXXIV. The Commissioners of Works and Buildings may, for the Purpose of regulating the Proceedings of Applicants for such Orders as aforesaid, from Time to Time issue such General Rules as to the Time and Manner of making such Application, as to the Plans to be presented, as to the Expenses to be incurred, and as to any other Matter or Thing connected therewith, as they may think fit.

Any Deviation from Plans to require new Order.

LXXV. No Deviation from any Order made by the said Commissioners shall be permitted, except with their Sanction, and any Sanction so obtained shall be considered as a new Order, and be dealt with accordingly.

Expenses of Orders to be borne by Builders.

LXXVI. The Expenses incurred in and about the obtaining of any such Order or Sanction as aforesaid shall be defrayed by the Builders prior to the Issue of the Order.

District Surveyor to see Plans carried into execution.

LXXVII. The Commissioners of Works and Buildings shall furnish a Copy of every Order so made to the Surveyor within whose District such Building is situate; and thereupon it shall be the Duty of such District Surveyor to ascertain that the same is built in accordance with the said Order.

Power to Commissioners to appoint Architect.

LXXVIII. The Commissioners of Works and Buildings may, for the Purpose of superintending the District Surveyors and otherwise aiding in the Execution of this Act, appoint some fit Person, to be called the "Superintending Architect of the Office of Works." Such Architect shall be removable by the said Commissioners, and shall perform such Duties as the said Commissioners direct.

Salary to Architect.

LXXIX. There shall be paid to the Superintending Architect such Salary, not exceeding *One thousand two hundred Pounds* per Annum, as the said Commissioners may from Time to Time direct.

EXPENSES.

Contributions to Expenses of Act by City of London and Home Counties. 8 Vict. c. 84. s. 96.

LXXX. The Lord Mayor and Aldermen of the City of London shall direct the Chamberlain of the said City, and the Justices of the Peace for the several Counties of Middlesex, Surrey, and Kent shall direct the Treasurer of such respective Counties, to pay, by Two half-yearly Payments in the Months of June and December in every Year, into the Receipt of Her Majesty's Exchequer, to be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the several Sums of Money herein-after mentioned, by way of Contribution to the Expenses of this Act; that is to say,

	£
The City of London and the Liberties and the Suburbs thereof	*100*
The County of Middlesex	*1,000*
The County of Surrey	*320*
The County of Kent	*80*
	£1,500

And it shall be lawful for the said Justices to cause the same to be levied by a Rate upon the several Parishes and Places within the Limits of this Act, in such Amounts as to such Justices may seem proper, having regard to the assessed Value of the inhabited Houses and the Buildings in such Places respectively, in addition to the County Rate in respect thereof; and that for the Purpose of levying such Sums they shall be deemed to be Part of the County Rate, and leviable by all the Ways and Means by which a County Rate is leviable, and subject in all respects to the legal Incidents of a County Rate.

Future District Surveyors to contribute to Expenses.

LXXXI. Every District Surveyor that may hereafter be appointed shall, after deducting the Amount of all Expenses properly incurred by him in the Execution of the Duties of his Office, pay into the Hands

Hands of the said Superintending Architect *One Fifth* Part of all Fees received by him by way of Contribution to the Expenses of this Act.

Power of Commissioners of Works and Buildings to pay Salaries.

LXXXII. The Commissioners of Works and Buildings may at any Time hereafter, by Order, cause such fixed Salary as they may determine to be paid to any District Surveyor by way of Remuneration instead of Fees; and thereupon such Surveyor shall pay all Fees received by him under this Act into the Hands of the said Superintending Architect; but no such Order shall affect any District Surveyor appointed previously to the Date of the passing of this Act, except with his Consent.

Superintending Architect to pay into Consolidated Fund.

LXXXIII. All Monies received by the Superintending Architect in pursuance of this Act shall be accounted for and paid by him into the Receipt of Her Majesty's Exchequer, to be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as the Treasury may direct.

Expenses, how borne.

LXXXIV. All Expenses of carrying into execution this Act, not hereby otherwise provided for, shall be paid out of Monies to be provided by Parliament.

PART II.

RUINOUS BUILDINGS.

Survey to be made of ruinous Buildings. 8 Vict. c. 84. s. 40.

LXXXV. Whenever it is made known to such Authority as is herein-after called the Local Authority that any Building or Wall, or anything affixed thereto, is in a ruinous State, or dangerous to Passengers or to the Occupiers of the neighbouring Buildings, such Authority shall direct a Survey of such Building or Wall to be made by the District Surveyor, and it shall also be the Duty of the District Surveyor to make known to the Local Authority any Information he may receive with respect to any Building or Wall or anything affixed thereto being in such State as aforesaid.

Definition of Local Authority, and Limits of Local Authority. 8 Vict. c. 84. s. 40.

LXXXVI. In Cases where any such Building or Wall is situate within the City of London, the Expression "Local Authority" shall mean the "Court of the Lord Mayor and Aldermen;" but when such Building or Wall is situate elsewhere, it shall mean "the Overseers of the Parish or Place in which it is situate;" the Expression "the

" the Limits of the Local Authority" shall mean, in Cases where such Building or Wall is situate within the City of London, " the Limits of the City of London;" but where such Building or Wall is situate elsewhere " the Limits of the Local Authority" shall mean " the Limits of the Parish or Place" in which such Building or Wall is situate.

Surveyor to give Certificate. 8 Vict. c. 84. s. 40.

LXXXVII. Upon the Completion of such Survey the District Surveyor shall certify to the Local Authority his Opinion as to the State of any such Wall or Building or Thing as aforesaid.

Proceedings to be taken in respect of Certificate. 8 Vict. c. 84. c. 40.

LXXXVIII. If such Certificate is to the Effect that such Building, Wall, or Thing is not in such ruinous or dangerous State as aforesaid, no further Proceedings shall be had in respect thereof, but if it is to the Effect that the same is in a ruinous or dangerous State, the Local Authority shall cause such Building or Wall to be securely shored up, and a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner of such Building or Wall, if he is known, and resident within the Limits of the Local Authority, and shall also cause such Notice to be put on the Door or other conspicuous Part of the said Premises, or to be given to the Occupier thereof (if any), requiring such Owner or Occupier forthwith to take down, secure, or repair such Building, Wall, or other Thing, as the Case requires; and if such Owner or Occupier does not begin to repair, take down, or secure such Building, Wall, or other Thing within the Space of *Three* Days after any such Notice has been so put up as aforesaid, and complete such Repairs or taking down or securing as speedily as the Nature of the Case admits, the Local Authority may make Complaint thereof before Two Justices of the Peace; and it shall be lawful for such Justices to order the Owner, or on his Default the Occupier, of any such Building, Wall, or other Thing, to take down, rebuild, repair, or otherwise secure, to the Satisfaction of the District Surveyor, the same or such Part thereof as appears to them to be in a dangerous State, within a Time to be fixed by such Justices; and in case the same is not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, or if no Owner or Occupier can be found on whom to serve such Order, the Local Authority shall with all convenient Speed cause all or so much of such Building, Wall, or other Thing as is in a ruinous Condition and dangerous as aforesaid to be taken down, repaired, rebuilt, or otherwise secured, in such Manner as may be requisite; and all Expenses incurred by any Local Authority in respect of any ruinous Building by virtue of the Second Part of this Act shall be paid by the Owner of such Building.

LXXXIX. If

The Expenses to be levied by Distress on the Owner. 8 Vict. c. 84. s. 42.

LXXXIX. If such Owner can be found within the Limits of the Local Authority, and if, on Demand of the Expenses aforesaid, he neglects or refuses to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly.

If Owner cannot be found, Local Authority may take the House or Ground, making Compensation provided by 7 & 8 Vict. c. 18.

XC. If such Owner cannot be found within the Limits of the Local Authority, or sufficient Distress of his Goods and Chattels within the said Limits cannot be made, the Local Authority, after giving *Twenty-eight* Days Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Building, or on the Land whereon such Building stood, may take such Building or Land, provided that such Expenses are not paid or tendered to them within the said *Twenty-eight* Days, making Compensation to the Owner of such Building or Land in the Manner provided by the Lands Clauses Consolidation Act, 1845, in the Case of Lands taken otherwise than with the Consent of the Owners thereof; and the Local Authority shall be entitled to deduct out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of the said Building or Land.

Proceeds of Sale how applied if no Demand. 8 Vict. c. 84. s. 41.

XCI. The Proceeds of any Sale or Disposition made of the said Building or Land in pursuance of the foregoing Section shall be applied as follows, that is to say, as respects Places within the City of London and the Liberties thereof shall be paid to the Chamberlain of the City, and as regards all other Places be paid to the Overseers, and added to the Monies raised as Rates for the Relief of the Poor of the Parish or Place, and be accounted for accordingly.

Local Authority may sell Materials, restoring to the Owner Overplus arising from the Sale.

XCII. If any such House or Building as aforesaid, or any Part of the same, is pulled down by virtue of the Powers aforesaid, the Local Authority may sell the Materials thereof, or so much of the same as may be pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such House or Building; and the Local Authority shall restore any Overplus arising from such Sale to the Owner of such House or Building, on Demand being made within *Six* Years from the Receipt thereof by the Local Authority; nevertheless such Local Authority, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Surplus how applied if no Demand. 8 Vict. c. 84. s. 41.

XCIII. If no such Demand as aforesaid is made within *Six* Years from the Deposit of such Surplus, then the same shall, as regards Places

within the City of London and the Liberties thereof, be paid to the Chamberlain of the City, and as regards all other Places such Surplus shall be paid to the Overseers, and be added to the Monies raised as Rates for the Relief of the Poor of the Parish or Place, and be accounted for accordingly.

District Surveyor to superintend Works in respect of ruinous Buildings.

XCIV. There shall be paid to the District Surveyor, in respect of his Services under the Second Part of this Act, such Fees, not exceeding the Amounts specified in the Second Part of the Schedule hereto, as may from Time to Time be directed by the Commissioners, Works and Buildings.

Commissioners of Works may appoint special Fees for Services not provided for.

XCV. If any special Service is required to be performed by the District Surveyor under the Second Part of this Act, for which no Fee is specified in the said Schedule, the Commissioners of Works and Buildings may order such Fee to be paid for such Service as they think fit.

District Surveyor by whom to be paid.

XCVI. All Fees payable to the District Surveyor by virtue of the Second Part of this Act shall be paid to him by the Local Authority within the Limits of which his Services were rendered, and in default of their being so paid the District Surveyor shall be entitled to recover the same in a summary Manner before Two Justices of the Peace; nevertheless, all Sums so paid by any Local Authority on account of Services rendered by any District Surveyor on the Occasion of any ruinous Wall or Building shall be deemed to be Expenses incurred by such Local Authority in respect of such ruinous Building or Wall, and shall be recoverable by them from the Owner accordingly.

PART III.

PARTY STRUCTURES.

Preliminary.

Definition of Building Owner and Adjoining Owner.

XCVII. In the Construction of the following Provisions relating to Party Structures, such One of the Owners of the Premises separated by or adjoining to any Party Structure as is desirous of executing any Work in respect to such Party Structure shall be called the Building Owner, and the Owner of the other Premises shall be called the Adjoining Owner.

Rights of Building Owner.
8 Vict. c. 84. s. 20.

XCVIII. The Building Owner shall have the following Rights in relation to Party Structures; that is to say,

(1.) A Right to make good or repair any Party Structure that is defective or out of repair:

(2.) A Right

(2.) A Right to pull down and rebuild any Party Structure that is so far defective or out of repair as to make it necessary or desirable to pull down the same:

(3.) A Right to pull down any Timber or other Partition that divides any Buildings, and is not conformable with the Regulations of this Act, and to build instead a Party Wall conformable thereto:

(4.) In the Case of Buildings having Rooms or Stories the Property of different Owners intermixed, a Right to pull down such of the said Rooms or Stories or any Part thereof as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

(5.) In the Case of Buildings connected by Arches or Communications over public Ways or over Passages belonging to other Persons, a Right to pull down such of the said Buildings, Arches, or Communications, or any Part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

(6.) A Right to raise any Party Structure permitted by this Act to be raised, or any External Wall built against such Party Structure, upon Condition of making good all Damage occasioned thereby to the adjoining Premises or to the internal Finishings and Decorations thereof, and of carrying up to the requisite Height all Flues and Chimney Stacks belonging to the Adjoining Owner on or against such Party Structure or External Wall:

(7.) A Right to pull down any Party Structure that is of insufficient Strength for any Building intended to be built, and to rebuild the same of sufficient Strength for the above Purpose, upon Condition of making good all Damage occasioned thereby to the adjoining Premises, or to the internal Finishings and Decorations thereof:

(8.) A Right to cut into any Party Structure upon Condition of making good all Damage occasioned to the adjoining Premises by such Operation:

(9.) A Right to cut away any Footing or any Chimney Breasts, Jambs, or Flues projecting from any Party Wall, in order to erect an External Wall against such Party Wall, or for any other Purpose, upon Condition of making good all Damage occasioned to the adjoining Premises by such Operation:

(10.) A Right to cut away or take down such Parts of any Wall or Building of an Adjoining Owner as may be necessary in consequence of such Wall or Building overhanging the Ground of the Building Owner, in order to erect an upright

upright Wall against the same, on Condition of making good any Damage sustained by the Wall or Building by reason of such cutting away or taking down:

(11.) A Right to perform any other necessary Works incident to the Connexion of Party Structure with the Premises adjoining thereto:

But the above Rights shall be subject to this Qualification, that any Building which has been erected previously to the Time of this Act coming into operation shall be deemed to be conformable with the Provisions of this Act if it is conformable with the Provisions of the said Act of the Eighth Year of Her present Majesty, Chapter Eighty-four.

Rights of Adjoining Owner.

XCIX. Whenever the Building Owner proposes to exercise any of the foregoing Rights with respect to Party Structures the Adjoining Owner may require the Building Owner to build on any such Party Structure certain Chimney Jambs, Breasts, or Flues, or certain Piers or Recesses, or any other like Works for the Convenience of such Adjoining Owner; and it shall be the Duty of the Building Owner to comply with such Requisition in all Cases where the Execution of the required Works will not be injurious to the Building Owner, or cause to him unnecessary Inconvenience or unnecessary Delay in the Exercise of his Right; and any Difference that arises between any Building Owner and Adjoining Owner in respect of the Execution of such Works as aforesaid shall be determined in manner in which Differences between Building Owners and Adjoining Owners are herein-after directed to be determined.

Rules as to Exercise of Rights by Building and Adjoining Owners.

C. The following Rules shall be observed with respect to the Exercise by Building Owners and Adjoining Owners of their respective Rights:—

(1.) No Building Owner shall exercise any Right hereby given in respect of any Party Structure, unless he has given at the least *Three* Months previous Notice to the Adjoining Owner:

(2.) The Notice so given shall be in Writing or printed, and shall state the Nature of the proposed Work, the estimated Expense thereof, and the Time at which it is proposed to be commenced:

(3.) No Building Owner shall exercise any Right hereby given to him in such Manner or at such Time as to cause unnecessary Inconvenience to the Adjoining Owner:

(4.) Upon the Receipt of such Notice the Adjoining Owner may require the Building Owner to build on any such Party Structure any Works to the Construction of which he is herein-before mentioned to be entitled:

(5.) Any

(5.) Any Requisition so made by an Adjoining Owner shall be in Writing or printed, and shall be delivered to the Building Owner within *One Month* after the Date of the Notice being given by him: It shall specify the Works required by the Adjoining Owner for his Convenience, and shall, if necessary, be accompanied with explanatory Plans and Drawings:

(6.) If either Owner does not, within *Fourteen* Days after the Delivery to him of any Notice or Requisition, express his Consent thereto, he shall be considered as having dissented therefrom, and thereupon a Difference shall be deemed to have arisen between the Building Owner and the Adjoining Owner:

(7.) In all Cases where a Difference arises between a Building Owner and Adjoining Owner, such one of the said Owners as requires any Matter or Thing to be done shall procure a Survey to be made by the District Surveyor, and a Certificate to be given by him as to the Propriety of the Matters and Things proposed to be done by such Notice or Regulation, and the Right of such last-mentioned Owner to do the same; and any Certificate so given shall be produced to the Tribunal by whom such Difference is herein-after directed to be determined; and there shall be paid to the District Surveyor in respect of such Survey such Fees, not exceeding the Amount specified in the Third Part of the Schedule hereto, as the Commissioners of Works and Buildings from Time to Time direct:

(8.) The Fees in respect of any Survey so made shall be paid by the Owner ordering the same to the District Surveyor, and in default of Payment may be recovered from such Owner in a summary Manner; but such Fees shall be deemed to form Part of the Costs of the Difference, and shall be ultimately paid in such Manner as the Tribunal deciding such Difference directs.

Consent how given on behalf of Persons under Disability.

CI. In Cases where, in pursuance of the Third Part of this Act, any Consent is required to be given or any Matters or Things to be done by or to any Owner under Disability, such Consent may be given and such Matters and Things may be done by or to the following Persons, on behalf of such Persons under Disability; that is to say,

By or to a Husband, on behalf of his Wife:

By or to a Trustee, on behalf of his Cestuique Trust:

By or to a Guardian or Committee, on behalf of an Infant, Idiot, or Lunatic.

Consent how given on behalf of Persons not to be found.

CII. In Cases where any Consent is required to be given or any Matter or Thing to be done by any Owner, if there is no Owner capable of giving such Consent or of doing such Matters or Things, or any Owner so capable cannot be found, Two Justices of the Peace shall have Power to give such Consent or do or cause to be done such Matters or Things on behalf of such Owner, upon such Terms and subject to such Conditions as may seem fit to them, having regard alike to the Nature and Purpose of the Subject Matter in respect of which such Consent is to be given, and to the fair Claims of the Parties on whose Behalf such Consent is to be given; and such Justices shall have Power to dispense with the Service of any Notice which would otherwise be required to be served on such Owner as is mentioned in this Section.

Rules as to Expenses.

CIII. The following Rules shall be observed as to Expenses in respect of any Party Structure; (that is to say,)

As to Expenses to be borne jointly by the Building Owner and Adjoining Owner:

(1.) If any Party Structure is defective or out of repair the Expense of making good or repairing the same shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner is entitled to make of such Structure:

(2.) If any Party Structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull down the same, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner is entitled to make of such Structure:

(3.) If any Timber or other Partition dividing any Building is pulled down, in exercise of the Right herein-before vested in a Building Owner, and a Party Structure built instead thereof, the Expense of building such Party Structure, and also of building any additional Party Structures that may be required by reason of such Partition having been pulled down, shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner is entitled to make of such Party Structure, and to the Thickness required to the respective Buildings parted thereby:

(4.) If any Room or Stories, or any Part of Rooms or Stories, the Property of different Owners, and intermixed in any Building, are pulled down in pursuance of the Right herein-before vested in any Building Owner, and rebuilt in conformity

formity with this Act, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner is entitled to make of such Rooms or Stories:

(5.) If any Arches or Communications, or any Parts thereof, are pulled down in pursuance of the Right herein-before vested in any Building Owner, and rebuilt in conformity with this Act, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner is entitled to make of such Arches or Communications:

As to Expenses to be borne by Building Owner:

(6.) If any Party Structure or External Wall built against the same is raised in pursuance of the Power herein-before vested in any Building Owner, the Expense of raising the same, and of making good all such Damage, and of carrying up to the requisite Height all such Flues and Chimnies as are herein-before required to be made good and carried up, shall be borne by the Building Owner:

(7.) If any Party Structure which is of proper Materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull down the same, is pulled down and rebuilt, the Expense of pulling down and rebuilding the same, and of making good all such Damage as is herein-before required to be made good, shall be borne by the Building Owner:

(8.) If any Party Structure is cut into by the Building Owner, the Expense of cutting into the same, and of making good any Damage herein-before required to be made good, shall be borne by such Building Owner:

(9.) If any Footing, Chimney Breast, Jambs, or Floor is cut away in pursuance of the Power herein-before vested in any Building Owner, the Expense of such cutting away, and of making good any Damage herein-before required to be made good, shall be borne by the Building Owner.

Manner of determining Differences.

CIV. Differences arising between Building Owners and Adjoining Owners in respect of any Matter or Thing shall be determined as follows; (that is to say,)

(1.) In Cases where the Value of the Matter in difference does not exceed One hundred Pounds, or where both Parties to the Difference consent, such Difference shall be determined by Two Justices of the Peace:

(2.) In Cases where such Value exceeds One hundred Pounds, and the Parties to the Difference do not consent to the Matter being determined by Two Justices, such Difference shall, if the Owner against whom the Claim is made so requires, be determined by Arbitration in manner herein-after mentioned:

(3.) Any Requisition on the Part of such last-mentioned Owner for the Settlement of the Difference by Arbitration shall be made in Writing, and shall be delivered to the Building Owner before he has served on the other Owner Notice of his Intention to make an Application to such Court as is herein-after mentioned:

(4.) In Cases not provided for by the foregoing Provisions, any such Difference as aforesaid shall be determined by a Jury in Manner herein-after mentioned:

(5.) Every Tribunal having Cognizance of any Difference under this Act shall settle the Amount of Costs, and shall order Payment thereof by both or such One of the Parties to the Difference as it thinks fit, having regard to the Circumstances of the Case, and to the Propriety of any Offers that may have been made by one of such Parties to the other:

(6.) The Value of the Matter in difference shall be determined as follows; that is to say, in Cases where such Difference relates to the Exercise of any Right or the Execution of any Work in respect of any Party Structure the estimated Amount of Expense stated in the Notice of the Building Owner proposing to exercise such Right or execute such Work shall be deemed to be the Value of the Matter in difference; but where such Difference relates to the Payment of any Expenses, Compensation, or other pecuniary Amount, the Amount claimed shall be deemed to be the Value of the Matter in difference.

Rules as to Arbitrations.

CV. Arbitrations under this Act shall be conducted in manner directed by the Companies Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act with respect to the Settlement of Disputes by Arbitration shall be incorporated herewith, subject to this Qualification, that in Cases where the Board of Trade is thereby authorized to appoint an Umpire the Commissioners of Works and Buildings shall have Power to appoint the same.

Method of Proceeding for settling Difference by Justices.

CVI. Whenever any Difference is by this Act authorized or required to be determined by Two Justices of the Peace, it shall be lawful for any Justice of the Peace, upon the Application of either Party with respect to any Difference so authorized to be settled, to summon the other Party to appear before Two Justices

tices of the Peace at a Time and Place to be named in the Summons; and upon the Appearance of such Parties, or in the Absence of any of them upon Proof of due Service of the Summons, it shall be lawful for such Justices to hear and determine such Difference, and for that Purpose to examine such Parties or any of them, and their Witnesses, upon Oath, and to make such Order in the Matter as they deem just.

Method of determining Differences by a Jury.

CVII. In Cases where any Difference or other Matter is authorized or required by this Act to be determined by a Jury, the Building Owner shall, by Notice in Writing under his Hand, require the Sheriff to summon a Jury; and upon the Receipt of such Notice the Sheriff shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts, to meet at a convenient Time and Place to be appointed by him for that Purpose; and the empannelling of such Jury and the summoning and Attendance of Witnesses shall be conducted and enforced in manner provided by the Lands Clauses Consolidation Act, 1845, in Cases of disputed Compensation as to Land; and all Provisions in the said Act having reference to Cases where any Question of disputed Compensation requires to be determined by the Verdict of a Jury shall, with the requisite Alterations, be considered as incorporated with this Act, and to have reference to Cases where any Difference requires to be determined by the Verdict of a Jury.

Power of Entry on Premises to effect Works. 8 Vict. c. 84. s. 36.

CVIII. Whenever any Work has been authorized to be done by a Building Owner, either by the Consent of the Parties competent to give such Consent or by the Decision of such Tribunal as is hereby provided, then, at any Time between the Hours of Six in the Morning and Seven in the Afternoon (Sundays excepted), it shall be lawful for the Building Owner, or any other Person acting in his Behalf, accompanied by a Constable or other Officer of the Peace, to enter on the Premises of the Adjoining Owner, so far as may be necessary for executing such Work; and if the outer Door of such Building is shut, and being thereunto required the Person therein refuses to open the same, or if such Building is empty and unoccupied, it shall be lawful to break open such outer Door, and if any Fixtures, Goods, Furniture, or other Thing obstruct the Execution of such authorized Work as aforesaid, to remove such Fixtures, Goods, Furniture, and Things to some other Part of the same Premises, or if there is no Room on the Premises sufficient for that Purpose, to remove them to some other Place of safe Custody; and from and after such Entry, and at all usual Times of working, it shall be lawful for the Builder employed to execute such Work, and for his Servants and all others employed by him, to enter into and upon the Premises, and abide

 therein

therein the usual Times of working, and to do all Matters and Things necessary for the Completion of such Work; and if in any Manner any such Owner or other Person hinders or obstructs any Workman employed for any of the Purposes aforesaid, or wilfully damages or injures the said Work, then every such Person so offending shall incur for every such Offence a Penalty not exceeding *Ten Pounds*, recoverable before Two Justices of the Peace.

Account of Expenses of Works to be delivered to Adjoining Owner within One Month.

CIX. Within *One Month* after the Completion of any Work or Operation which any Building Owner is by this Act authorized or required to execute, and the Expense of which is in whole or in part to be borne by an Adjoining Owner, such Building Owner shall deliver to the Adjoining Owner an Account in Writing of the Expense of the Work, specifying any Deduction to which such Adjoining Owner or other Person may be entitled in respect of old Materials, or in other respects; and every such Work as aforesaid shall be estimated and valued at fair average Rates and Prices, according to the Nature of the Work and the Locality, and the Market Price of Materials and Labour at the Time.

Appeal against Account.

CX. At any Time within *One Month* after the Delivery of such Account, the Adjoining Owner, if dissatisfied therewith, may declare his Dissatisfaction to the Party delivering the same, by Notice under his Hand addressed to such Party, and specifying his Objections thereto; and upon such Notice having been given a Difference shall be deemed to have arisen between the Parties, and such Difference shall be determined by Two Justices of the Peace.

Building Owner may recover, if no Appeal made.

CXI. If within such Period of *One Month* as aforesaid the Party receiving such Account does not declare his Dissatisfaction therewith, he shall be deemed to have accepted the same, and shall pay the same, on Demand, to the Party delivering the Account, and if he fails to do so the Amount so due may be recovered in a summary Manner before Two Justices of the Peace.

Penalty on Delay of Payment.

CXII. In Cases where the Adjoining Owner is liable to contribute to the Expenses of building any Party Structure, until such Contribution is paid the Building Owner at whose Expense the same was built shall stand possessed of the sole Property in such Structure.

Payment of Expenses in respect of Party Structures.

CXIII. In all Cases where it is hereby declared that Expenses in respect of any Party Structure are to be borne jointly by the Building Owner and the Adjoining Owner, the following Rules shall be made with

with respect to the Payment of the Share of the Adjoining Owner in such Expenses; that is to say, 8 Vict. c. 84. s. 50.

(1.) The Person immediately entitled in possession to the adjoining Premises, or the Occupier thereof, shall in the first instance pay such Share:

(2.) Any Occupier who has paid any Expenses in pursuance of this Section shall be entitled to deduct from the Rents due or becoming due from him to his Lessor or Landlord the Amount of any such Expenses payable by his Lessor or Landlord, and the Receipt for such Payment shall be a sufficient Discharge to any Occupier for so much Money as he has so paid, and shall be allowed by such Lessor or Landlord in part or full Payment (as the Case may be) of the Rent due to him by such Occupier:

(3.) If there are more Owners than One, every Owner shall be liable to contribute to such Expenses and Costs, in proportion to his Extent of Ownership:

(4.) If any Difference arises as to the Amount of Contribution, such Difference shall be decided in the Manner in which Differences between Building and Adjoining Owners are hereby directed to be decided, and the Value of the Matter in difference shall be deemed to be the Amount of Contribution claimed from any Owner:

(5.) If some of the Owners liable to such Contribution cannot be found, the Deficiency so arising shall be divided amongst the Parties that can be found:

(6.) Any Monies due from any Owner or Occupier under this Section may be recovered from any Occupier by Distress and Sale of his Goods and Chattels, and from any Owner in a summary Manner.

Expenses incurred on Requisition of Adjoining Owner.

CXIV. In all Cases where any Building Owner has incurred any Expenses on the Requisition of an Adjoining Owner, the Adjoining Owner making such Requisition shall be liable for all such Expenses, and in default of Payment the same may be recovered from him in a summary Manner before Two Justices of the Peace.

Penalty on Building Owner failing to execute required Works.

CXV. In Cases where any Building Owner is, by the Third Part of this Act, liable to make good any Damage he may occasion to the Property of the Adjoining Owner by any Works authorized to be executed by him, or to do any other Thing upon Condition of doing which his Right to execute such Works is hereby limited to arise, and such Building Owner fails within a reasonable Time to make good such Damage or to do such Matter or Thing, he shall incur a

Penalty, to be recovered before Two Justices of the Peace, not exceeding *Twenty Pounds* for each Day during which such Failure continues.

PART IV.

GENERAL PROVISIONS.

As to Service of Notice on Owners and Occupiers.

CXVI. When under this Act any Notice is required to be given to the Owner or Occupier of any Premises, such Notice, addressed to the Owner or Occupier thereof, as the Case requires, may be served on the Occupier of such Premises, or left with some Inmate of his Abode, or, if there be no Occupier, may be put up on some conspicuous Part of such Premises; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Premises: Provided always, that when the Owner of any such Premises and his Residence are known to the Party giving such Notice, it shall be the Duty of such Party to send every such Notice by the Post, addressed to the Residence of such Owner.

Legal Proceedings.

Recovery of Penalties.

CXVII. All Penalties under this Act, and all Fees, Monies, Damages, Costs, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered before Two Justices of the Peace in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties "of Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders;" and whenever any Matter is hereby authorized or required to be done by Two Justices it may be done as follows; that is to say, if such Matter arises in respect of any Building situate within the City of London, by One Justice of the Peace for the said City or by any Metropolitan Police Magistrate; if such Matter arises in respect of any Building situate within the Metropolitan Police District, by any Metropolitan Police Magistrate; and if such Matter arises in respect of any Building situate elsewhere, by any Two Justices of the Peace for the County in which such Building situate.

Application of Penalties.

CXVIII. Any Court or Justice imposing any Penalty under this Act may, if it or he thinks fit, direct the whole or any Part thereof

to

to be applied in or towards Payment of the Costs of the Proceedings; and, subject to such Direction, all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Power to appeal to Superior Courts.

CXIX. In every Case in which Jurisdiction is herein-before given to Two Justices, and in every Case of summary Conviction, except in respect of Fees, if either Party to any such Case is dissatisfied with the Determination of the Justices so convicting, in respect of any Point of Law, or of the Admission or Rejection of any Evidence, such Party may, upon giving immediate Notice to the other Party of his Intention to appeal, appeal therefrom to any of the Superior Courts of Common Law at Westminster; subject to this Restriction, that no such Appeal shall be made by any District Surveyor except with the Consent of the Justices before whom the Case is tried, and that no such Appeal shall be made by any other Party to the Case except upon giving such Security for Costs, and, if the Case requires it, in addition thereto, such Undertaking in respect of desisting in the meantime from any Works complained of, or in respect of any other Matter or Thing arising in the Case, as the Justices think fit.

Form of Appeal.

CXX. Any Appeal so made shall be in the Form of a Special Case, to be agreed on by both Parties, or if the Parties cannot agree, to be settled by the Justices; and such Case shall be transmitted by the Appellant to the Rule Department of the Master's Office of the Court in which the Appeal is to be brought, and be heard in manner provided by the Practice of such Court.

SCHEDULE.

FEES PAYABLE TO DISTRICT SURVEYORS.

PART I.

Fees for new Buildings.

Add together the Number of Feet in the Height, the Frontage, and the Depth, and divide this Sum by Three; the Product, together with Sixteen, will give the Amount in *Shillings;* but no such Fee shall exceed *Ten Pounds.*

Fees for Additions or Alterations.

	s.	*d.*
For every Addition or Alteration made to any Building after the Roof thereof has been covered in, the Fee shall be Half of the Fee charged in the Case of a new Building.		
For inspecting Arches or Stone Floors over public Ways -	*10*	*0*
For inspecting the Formation of Openings in Party Walls -	*10*	*0*

PART II.

For inspecting ruinous Buildings or Walls, by Direction of the Local Authority - -	*10*	*0*

PART III.

For Surveys made at Request of Building Owner or Adjoining Owner the Fees shall be the same as those charged for new Buildings.

Metropolitan Buildings.

A

BILL

To amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

(*Prepared and brought in by Sir William Molesworth and The Lord Advocate.*)

Ordered, by The House of Commons, *to be Printed,* 24 *April* 1855.

[Bill 89.]

Under 6 *oz.*

Metropolitan Buildings Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

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17.	Height of Party Walls above Roof	8 Vict. c. 84. Sch. D. P^{t} 3.
18.	Chases in Party Walls	8 Vict. c. 84. Sch. D. P^{t} 3.

Sect.		Corresponding Clauses in former Acts.
19.	Construction of Roofs	8 Vict. c. 84. Sch. G.
20.	Rules as to Chimnies and Flues	8 Vict. c. 84. Sch. F.
21.	Rules as to close Fires and Smoke Pipes	8 Vict. c. 84. Sch. F.
22.	Rules as to Interior of Buildings	8 Vict. c. 84. Sch. C.
23.	Party Arches over public Ways	8 Vict. c. 84. Sch. D. Pt 5.
24.	Arches under public Ways	
25.	Rules as to Projections	8 Vict. c. 84. Sch. E.
26.	Separation of Buildings and Limitation of Areas	8 Vict. c. 84. Sch. C. Pt 4.
27.	Rules as to uniting Buildings	8 Vict. c. 84. Sch. C. Pt 4.

District Surveyors.

28.	Buildings to be supervised by District Surveyor	8 Vict. c. 84. s. 68.
29.	Appointment of District Surveyors	
30.	Examination by Institute of British Architects	
31.	District Surveyor to have Office	8 Vict. c. 84. s. 72.
32.	District Surveyor may appoint Deputy	8 Vict. c. 84. s. 73.
33.	Assistant Surveyor may be appointed on Emergency	8 Vict. c. 84. s. 75.
34.	District Surveyor not to act in case of Works under his professional Superintendence	8 Vict. c. 84. s. 75.

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35.	Notices to be given to District Surveyor by Builder	8 Vict. c. 84. s. 13.
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A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

WHEREAS it is expedient that the Laws relating to Buildings in the Metropolis and its Neighbourhood should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,) Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Metropolitan Building Act, 1855." Short Title of Act.

II. This Act shall, except in Cases where it is otherwise expressly provided, come into operation on the First Day of January One thousand eight hundred and fifty-six. Commencement of Act.

III. In the Construction of this Act (if not inconsistent with the Context) the following Terms shall have the respective Meanings herein-after assigned to them; (that is to say,) Interpretation of certain Terms in this Act:

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury: "the Treasury:"

"Public Building:" "Public Building" shall mean every Building used as a Church, Chapel, or other Place of Public Worship; also every Building used for Purposes of public Instruction; also every Building used as a College, public Hall, Hospital, Theatre, public Concert Room, public Ball Room, public Lecture Room, public Exhibition Room, or for any other public Purposes:

"External Wall:" "External Wall" shall apply to every outer Wall or vertical Enclosure of any Building not being a Party Wall:

"Party Wall:" "Party Wall" shall apply to every Wall used or built in order to be used as a Separation of any Building from any other Building, with a view to the same being occupied by different Persons:

"Cross Wall:" "Cross Wall" shall apply to every Wall used or built in order to be used as a Separation of one Part of any Building from another Part of the same Building, such Building being wholly in One Occupation:

"Party Structure:" "Party Structure" shall include Party Walls, and also Partitions, Arches, Floors, and other Structures separating Buildings, Stories, or Rooms which belong to different Owners, or which are approached by distinct Staircases or separate Entrances from without:

"Area:" The "Area" of every Building shall be deemed to be the Superficies of a horizontal Section of such Building made at the Point of its greatest Surface, including the External Walls and such Portion of the Party Walls as belong to the Building, but excluding any attached Building the Height of which does not exceed the Height of the Ground Story:

"the Base of the Wall:" "The Base of the Wall" shall mean the Course immediately above the Footings:

"Owner:" "Owner" shall apply to every Person in possession or receipt either of the whole or of any Part of the Rents or Profits of any Land or Tenement, or in the Occupation of such Land or Tenement other than as a Tenant from Year to Year or for any less Term, or as a Tenant at Will:

"Builder:" "Builder" shall apply to and include the Master Builder or other Person employed to execute or who actually executes any Work upon any Building:

"District Surveyor:" "District Surveyor" shall mean every such Surveyor who is appointed in pursuance of this Act, or whose Appointment is hereby confirmed, and shall include any Deputy or Assistant Surveyor appointed under this Act:

Local Officers: In all Cases in which the Name of an Officer having local Jurisdiction in respect of his Office is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer having Jurisdiction in that

that Place within which is situate the Building or other Subject Matter or any Part thereof to which such Reference applies:

"Person" shall include "a Body Corporate." "Person."

LIMITS OF ACT.

IV. This Act shall extend to all Places within the Limits of the Metropolis as defined by an Act passed in the present Session of Parliament, intituled "An Act for the better local Management of the Metropolis," and to all other Places to which such last-mentioned Act may be extended, unless such Places are in making such Extension expressly excepted from the Operation of this Act. Limits of Act.

V. This Act shall be divided into Five Parts: Division of Act.

(1.) The First Part relating to the Regulation and Supervision of Buildings:

(2.) The Second Part relating to Dangerous Structures:

(3.) The Third Part relating to Party Structures:

(4.) The Fourth Part relating to Miscellaneous Provisions:

(5.) The Fifth Part relating to the Repeal of former Acts, and to temporary Provisions.

PART I.

REGULATION AND SUPERVISION OF BUILDINGS.

VI. The following Buildings and Works shall be exempt from the Operation of the First Part of this Act: Exempted Buildings.

Bridges, Piers, Jetties, Embankment Walls, Retaining Walls, and Wharf or Quay Walls:

Her Majesty's Royal Palaces, and any Building in the Possession of Her Majesty, Her Heirs and Successors, or employed for Her Majesty's Use or Service:

Common Gaols, Prisons, Houses of Correction, and Places of Confinement under the Inspection of the Inspectors of Prisons, and Bethlehem Hospital, and the House of Occupations adjoining:

The Mansion House, Guildhall, and Royal Exchange of the City of London:

The Offices and Buildings of the Governor and Company of the Bank of England already erected, and which now form the Edifice called "The Bank of England," and any Offices and Buildings hereafter to be erected for the Use of the said Governor

and Company, either on the Site of or in addition to and in connexion with the said Edifice:

The Buildings of the British Museum:

The Offices and Buildings of the Honourable East India Company already erected, and any Offices or Buildings hereafter to be erected, for the Use of the said Company, on the Site of or in addition to such existing Offices and Buildings:

Greenwich Hospital and the Buildings in the Parish of Greenwich vested in the Commissioners of Greenwich Hospital for the Purposes of the said Hospital:

The Erections and Buildings authorized by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, for the Purposes of a Market in Covent Garden:

The Cattle Market, with its Appurtenances, erected in pursuance of the Metropolitan Cattle Market Act, 1851:

The Buildings belonging to any Dock or Railway Company, and used for the Purposes of such Dock or Railway, under the Provisions of any Act of Parliament:

All Buildings, not exceeding in Height Thirty Feet, as measured from the Footings of the Walls, in Extent One hundred and twenty-five thousand Cubic Feet, and not being Public Buildings, wholly in One Occupation, and distant at least Eight Feet from the nearest Street or Alley, whether public or private, and at the least Thirty Feet from the nearest Buildings and from the Ground of any Adjoining Owner:

All Buildings not exceeding in Extent Two hundred and sixteen thousand Cubic Feet, and not being Public Buildings, and distant at least Thirty Feet from the nearest Street or Alley, whether public or private, and at the least Sixty Feet from the nearest Buildings and from the Ground of an Adjoining Owner:

All Party Fence Walls and Greenhouses:

Openings made into Walls or Flues for the Purpose of inserting therein ventilating Valves of a superficial Extent not greater than Forty Square Inches, if such Valves are not nearer than Twelve Inches to any Timber or other combustible Material.

Commencement and Application of Act.

VII. With the Exemptions herein-before mentioned, this Act shall apply to all new Buildings; and whenever Mention is herein made of any Building, it shall, unless the contrary appears from the Context, be deemed to imply a new Building.

Building, when deemed to be new.

VIII. A Building shall be deemed to be new whenever the enclosing Walls thereof have not been carried higher than the Footings previously to the said First Day of January One thousand eight hundred

hundred and fifty-six: Any other Building shall be deemed to be an old Building.

Alterations of and Additions to old Buildings.

IX. Any Alteration, Addition, or other Work made or done for any Purpose, except that of necessary Repair, in, to, or upon any old Building, or in, to, or upon any new Building after the Roof has been covered in, shall, to the Extent of such Alteration, Addition, or Work, be subject to the Regulations of this Act; and whenever Mention is herein-after made of any Alteration, Addition, or Work in, to, or upon any Building, it shall, unless the contrary appears from the Context, be deemed to imply an Alteration, Addition, or Work to which this Act applies.

Rebuilding old Buildings.

X. Whenever any old Building has been taken down to an Extent exceeding One Half of such Building, such Half to be measured in Cubic Feet, the rebuilding thereof shall be deemed to be the Erection of a new Building; and every Portion of such old Building that is not in conformity with the Regulations of this Act shall be forthwith taken down.

Division of old Buildings separated by irregular Partitions.

XI. Whenever any old Buildings are separated by Timber or other Partitions not in conformity with this Act, then, if such Partitions are removed to the Extent of One Half thereof, such Buildings shall as respects the Separation thereof be deemed to be new Buildings, and be forthwith divided from each other in the Manner directed by this Act.

Walls.

Structure and Thickness of Walls.

XII. Walls shall be constructed of such Substances and of such Thickness and in such Manner as are mentioned in the First Schedule annexed hereto.

Recesses and Openings.

Rules as to Recesses.

XIII. The following Rules shall be observed with respect to Recesses and Openings in Walls:

Recesses and Openings may be made in External Walls, provided,

1. That the Backs of such Recesses are not of less Thickness than Eight and a Half Inches; and,
2. That the Area of such Recesses and Openings do not, taken together, exceed One Half of the whole Area of the Wall in which they are made:

Recesses may be made in Party Walls, provided that,

1. The Backs of such Recesses are not of less Thickness than Thirteen Inches; and

2. That every Recess so formed is arched over, and that the Area of such Recesses do not, taken altogether, exceed One Half of the whole Area of the Wall in which they are made; and

3. That such Recesses do not come within One Foot of the inner Face of the External Walls;

But no Opening shall be made in any Party Wall except in accordance with the Rules of this Act:

The Word Area, as used in this Section, shall mean the Area of the vertical Face, or Elevation, of the Wall, Pier, or Recess to which it refers.

Miscellaneous.

Timber in External Walls.

XIV. Loophole Frames may be fixed within One Inch and a Half of the Face of any External Wall; but all other Woodwork fixed in any External Wall, except Bressummers and Story Posts under the same, and Frames of Doors and Windows of Shops on the Ground Story of any Building, shall be set back Four Inches at the least from the external Face of such Wall.

Rules as to Bressummers.

8 Vict. c. 84. Sched. D. Part 2.

XV. The following Rules shall be observed with respect to Bressummers:—

1. Every Bressummer must have a Bearing in the Direction of its Length of Four Inches at the least at each End, upon a sufficient Pier of Brick or Stone, or upon a Timber or Iron Story Post fixed on a solid Foundation, independent of its Bearing upon any Party Wall; and the Ends of such Bressummer shall not be placed nearer to the Centre Line of the Party Walls than Four and a Half Inches:

2. No Bond Timber or Wood Plate shall be built into any Party Wall, and the Ends of any Beam or Joist bearing on such Walls shall be at the least Four and a Half Inches distant from the Centre Line of the Party Walls:

3. Every Bressummer bearing upon any Party Wall must be borne by a Templet or Corbel of Stone or Iron tailed through at least Half the Thickness of such Wall, and of the full Breadth of the Bressummer.

Height and Thickness of Parapets to External Walls.

XVI. If any Gutter, any Part of which is formed of combustible Materials, adjoins an External Wall, then such Wall must be carried up so as to form a Parapet One Foot at the least above

above the highest Part of such Gutter, and the Thickness of the Parapet so carried up must be at the least Eight and a Half Inches, reckoned from the Level of the under Side of the Gutter Plate. 8 Vict. c. 84. Sch. D. Part 2.

XVII. Every Party Wall shall be carried up above the Roof Flat, or Gutter of the highest Building adjoining thereto, to such Height as will give a Distance of Fifteen Inches measured at Right Angles to the Slope of the Roof, or Fifteen Inches above the highest Part of any Flat or Gutter, as the Case may be; and every Party Wall shall be carried up above any Roof or any Turret, Dormer, Lantern Light, or other Erection of combustible Materials fixed upon the Roof or Flat of any Building within Four Feet from such Party Wall, and shall extend at the least Twelve Inches higher and wider on each Side than such Erection. Height of Party Walls above Roof. 8 Vict. c. 84. Sch. D., Part 3.

XVIII. In a Party Wall no Chase shall be made wider than Fourteen Inches, nor more than Four and a Half Inches deep from the Face of the Wall, nor so as to leave less than Eight and a Half Inches in Thickness at the Back or opposite Side thereof, and no Chase may be made within a Distance of Seven Feet from any other Chase on the same Side of the Wall. Chases in Party Walls. 8 Vict. c. 84. Sch. D. Part 3.

XIX. The Roofs of Buildings shall be constructed as follows; that is to say, Construction of Roofs. 8 Vict. c. 84. Sch. G.

1. The Flat, Gutter, and Roof of every Building, and every Turret, Dormer, Lantern Light, Skylight, or other Erection placed on the Flat or Roof thereof, shall be externally covered with Slates, Tiles, Metal, or other incombustible Materials, except the Doors, Door Frames, Windows, and Window Frames of such Dormers, Turrets, Lantern Lights, Skylights, or other Erections:
2. The Plane of the Surface of the Roof of a Warehouse or other Building used either wholly or in part for Purposes of Trade or Manufacture shall not incline from the External or Party Walls upwards at a greater Angle than Forty-seven Degrees with the Horizon.

XX. The following Rules shall be observed as to Chimnies and Flues: Rules as to Chimnies and Flues. 8 Vict. c. 84. Sch. F.

1. Chimnies built on Corbels of Brick, Stone, or other incombustible Materials may be introduced above the Level of the Ceiling of the Ground Story if the Work so corbelled out does not project from the Wall more than the Thickness of the Wall, but all other Chimnies shall be built on solid

Foundations, and with Footings similar to the Footings of the Wall against which they are built:

2. An Arch of Brick or Stone or a Bar of Wrought Iron must be built over the Opening of every Chimney to support the Breast thereof, and if the Breast projects more than Four and a Half Inches from the Face of the Wall, and the Jamb on either Side is of less Width than Seventeen and a Half Inches, the Abutments must be tied in by an Iron Bar or Bars turned up and down at the Ends and built into the Jambs for at least Eight and a Half Inches on each Side:

3. The Inside of every Flue, and the Back or Outside, unless forming Part of the outer Face of an External Wall, must be rendered, pargeted, or lined with Fireproof Piping:

4. The Jambs of every Chimney must at the least be Eight and a Half Inches wide on each Side of the Opening thereof:

5. The Breast of every Chimney, and the Front, Withe, Partition, and Back of every Flue, must at the least be Four Inches in Thickness:

6. The Back of every Chimney Opening, from the Hearth up to the Height of Twelve Inches above the Mantel, must at the least be Eight and a Half Inches thick if in a Party Wall, or Four and a Half Inches thick if not in a Party Wall:

7. The Thickness of the upper Side of every Flue, when its Course is horizontal, or at an Angle with the Horizon of less than Forty-five Degrees, must be at the least Eight and a Half Inches:

8. Every Chimney Shaft shall be carried up in Brick or Stone Work all round, at the least Four Inches thick, to a Height of not less than Three Feet above the Roof, Flat, or Gutter adjoining thereto, measured at the highest Point in the Line of Junction with such Roof, Flat, or Gutter:

9. The Brickwork or Stonework of any Chimney Shaft, excepting that of the Furnace of any Steam Engine, Brewery, Distillery, or Manufactory, shall not be built higher above the Roof, Flat, or Gutter adjoining thereto, measured from the highest Point in the Line of Junction with such Roof, Flat, or Gutter, than a Height equal to Six Times the least Width of such Chimney Shaft at the Level of such highest Point in the Line of Junction, unless such Chimney Shaft is built with and bonded to another Chimney Shaft not in the same Line with the first, or otherwise rendered secure:

10. There shall be laid, level with the Floor of every Story, before the Opening of every Chimney, a Slab of Stone, Slate, or other incombustible Substance, at the least Twelve Inches

Inches longer than the Width of such Opening, and at the least Eighteen Inches wide in front of the Breast thereof:

11. On every Floor, except the lowest Floor, such Slab shall be laid wholly upon Stone or Iron Bearers, or upon Brick Trimmers; but on the lowest Floor it may be bedded on the solid Ground:

12. The Hearth of every Chimney shall be bedded wholly on Brick, Stone, or other incombustible Substance, and shall be solid for a Thickness of Seven Inches at the least beneath the upper Surface of such Hearth:

13. No Flue shall be built against any Party Structure, unless a Withe is properly secured thereto, at the least Four Inches in Thickness:

14. No Chimney Breast or Shaft built with or in any Party Wall shall be cut away unless the District Surveyor certifies that it can be done without injuriously affecting the Stability of any Building:

15. No Chimney Shaft, Jamb, Breast, or Flue shall be cut into except for the Purpose of Repair, or doing some One or more of the following Things:

Of letting in or removing or altering Flues, Pipes, or Tunnels for the Conveyance of Smoke, hot Air, or Steam, or of letting in, removing, or altering Smoke Jacks:

Of forming Openings for Soot Doors, such Openings to be fitted with a close Iron Door and Frame:

Of making Openings for the Insertion of ventilating Valves, subject to the following Restriction, That no Opening shall be made nearer than Twelve Inches to any Timber or combustible Substance:

16. No Timber or Woodwork shall be placed,

In any Wall or Chimney Breast nearer than Twelve Inches to the Inside of any Flue or Chimney Opening;

Under any Chimney Opening within Eighteen Inches from the upper Surface of the Hearth of such Chimney Opening;

Within Two Inches from the Face of the Brickwork or Stonework about any Chimney or Flue, where the Substance of such Brickwork or Stonework is less than Eight and a Half Inches thick, unless the Face of such Brickwork or Stonework is rendered;

And no Wooden Plugs shall be driven nearer than Six Inches to the Inside of any Flue or Chimney Opening, nor any Iron Holdfast or other Iron Fastening nearer than Two Inches thereto.

Rules as to close Fires and Smoke Pipes. 8 Vict. c. 84. Sch. F.

XXI. The following Rules shall be observed as to close Fires, and Pipes for conveying heated Vapour or Water; that is to say,

1. The Floor under every Oven or Stove used for the Purpose of Trade or Manufacture, and the Floor around the same for a Space of Eighteen Inches, shall be formed of Materials of an incombustible and non-conducting Nature:
2. No Pipe for conveying Smoke, heated Air, Steam, or hot Water shall be fixed against any Building on the Face next to any Street, Alley, Mews, or public Way:
3. No Pipe for conveying heated Air or Steam shall be fixed nearer than Six Inches to any combustible Materials:
4. No Pipe for conveying hot Water shall be placed nearer than Three Inches to any combustible Materials:
5. No Pipe for conveying Smoke or other Products of Combustion shall be fixed nearer than Nine Inches to any combustible Material:

And if any Person fails in complying with the Rules of this Section he shall for each Offence incur a Penalty not exceeding Twenty Pounds, to be recovered before a Justice of the Peace.

Rules as to Interior of Buildings. 8 Vict. c. 84. Sched. C.

XXII. The following Rules shall be observed with respect to Accesses and Stairs:

In every Public Building, and in every other Building containing more than One hundred and twenty-five thousand Cubic Feet, and used as a Dwelling House for separate Families, the Floors of the Lobbies, Corridors, Passages, and Landings, and also the Flights of Stairs, shall be of Stone or other Fire-proof Material, and carried by Supports of a Fire-proof Material.

Party Arches over public Ways. 8 Vict. c. 84. Schedule D. Part V.

XXIII. Every Party Arch, and every Arch or Floor over any public Way, or any Passage leading to Premises in other Occupation, shall be formed of Brick, Stone, or other incombustible Materials: If an Arch of Brick or Stone is used, it shall, in Cases where its Span does not exceed Nine Feet, be of the Thickness of Four and a Half Inches at the least, but when its Span exceeds Nine Feet, be of the Thickness of Eight and a Half Inches at the least: If an Arch or Floor of Iron or other incombustible Material is used, it shall be constructed in such Manner as may be approved by the District Surveyor.

Arches under public Ways.

XXIV. Every Arch under any public Way shall be formed of Brick, Stone, or other incombustible Materials: If an Arch of Brick or Stone is used, it shall, in Cases where its Span does not exceed Ten Feet, be of the Thickness of Eight and a Half Inches at the least; where its Span does not exceed Fifteen Feet, it shall be of the Thickness of Thirteen Inches at least; and where its Span exceed Fifteen

Fifteen Feet, it shall be of such Thickness as may be approved by the District Surveyor: If an Arch or other Construction of Iron or other incombustible Material is used, it shall be constructed in such Manner as may be approved by the District Surveyor.

Rules as to Projections. 8 Vict. c. 84. Sched. E.

XXV. The following Rules shall be observed as to Projections:

1. Every Coping, Cornice, Facia, Window Dressing, Portico, Balcony, Verandah, Balustrade, and architectural Projection or Decoration whatsoever, and also the Eaves or Cornices to any overhanging Roof, except the Cornices and Dressings to the Window Fronts of Shops, shall, unless the Metropolitan Board otherwise permit, be of Brick, Tile, Stone, artificial Stone, Slate, Cement, or other Fire-proof Material:
2. In Streets or Alleys of a less Width than Thirty Feet, any Shop Front may project beyond the External Wall of the Building to which it belongs for Five Inches and no more, and any Cornice of any such Shop Front may project Thirteen Inches and no more; and in any Street or Alley of a Width greater than Thirty Feet, any Shop Front may project Ten Inches and no more, and the Cornice may project for Eighteen Inches from the External Walls, but no more:
3. No Part of the Woodwork of any Shop Front shall be fixed nearer than Four and a Half Inches from the Line of Junction of any adjoining Premises, unless a Pier or Corbel of Stone, Brick, or other Fire-proof Material, Four and a Half Inches wide at the least, is built or fixed next to such adjoining Premises as high as such Woodwork is fixed, and projects an Inch at the least in front of the Face thereof:
4. The Roof, Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed, and so supplied with Gutters and Pipes, as to prevent the Water therefrom from dropping upon or running over any public Way:
5. Except in so far as is permitted by this Section, and with the Exception of Water Pipes and their Appurtenances, no Projection from any Building shall extend beyond the Line of the public Street or Way.

Separation of Building, and Limitation of Area. 8 Vict. c. 84. Sched. (C.) Part IV.

XXVI. The following Rules shall be observed as to the Separation of Buildings, and Limitation of their Areas:

1. Every Building shall be separated by External or Party Walls from any adjoining Building:
2. Separate Sets of Chambers or Rooms tenanted by different Persons shall, if contained in a Building exceeding Three thousand six hundred Square Feet in Area, be deemed to be

separate Buildings, and be divided accordingly, so far as they adjoin vertically by Party Walls, and so far as they adjoin horizontally by Party Arches or Fire-proof Floors:

3. If any Building in One Occupation is divided into Two or more Tenements, each having a separate Entrance and Staircase, or a separate Entrance from without, every such Tenement shall be deemed to be a separate Building for the Purposes of this Act:

4. Every Warehouse, or other Building used either wholly or in part for the Purposes of Trade or Manufacture, containing more than Two hundred and sixteen thousand Cubic Feet, shall be divided by Party Walls in such Manner that the Contents of each Division thereof shall not exceed the above-mentioned Number of Cubic Feet.

Rules as to uniting Buildings. 8 Vict. c. 84. Sched. (C.) Part IV.

XXVII. The following Rules shall be observed as to uniting Buildings:

1. No Buildings shall be united unless they are wholly in the same Occupation:

2. No Buildings shall be united, if when so united they will, considered as One Building only, be in contravention of any of the Provisions of this Act:

3. No Opening shall be made in any Party Wall dividing Buildings, which, if taken together, would contain more than Two hundred and sixteen thousand Cubic Feet, except under the following Conditions:

   Such Opening shall not exceed in Width Seven Feet or in Height Eight Feet:

   Such Opening shall have the Floor, Jambs, and Head formed of Brick, Stone, or Iron, and be closed by Two Wrought Iron Doors, each One Fourth of an Inch thick in the Panel, at a Distance from each other of the full Thickness of the Wall, fitted to rebated Frames, without Woodwork of any kind:

4. Whenever any Buildings which have been united cease to be in the same Occupation, any Openings made in the Party Walls dividing the same shall be stopped up with Brick or Stone Work of the full Thickness of the Wall itself, and properly bonded therewith.

District Surveyors.

Buildings to be supervised by District Surveyor. 8 Vict. c. 84. s. 68.

XXVIII. With the Exemptions herein-before mentioned, every Building, and every Work done to, in, or upon any Building, shall be subject to the Supervision of the District Surveyor appointed to the District in which the Building is situate.

XXIX. The

Appointment of District Surveyors.

XXIX. The following Things may be done by the Metropolitan Board of Works, established by the said Act for the better Local Management of the Metropolis, by Order, at their Discretion; that is to say,

1. They may alter the Limits of any District, or unite any Two or more Districts together, and in any such Case place such altered or extended or consolidated District under the Supervision of any existing or of any future District Surveyor, with Power from Time to Time to alter any District so made, and do all such Matters and Things as are necessary for carrying into effect the Power hereby given:
2. They may dismiss any existing District Surveyor with the Consent of One of Her Majesty's Principal Secretaries of State; they may suspend any such Surveyor as last aforesaid; they may dismiss or suspend any future District Surveyor; and in case of any Suspension or during any Vacancy they may appoint a temporary Substitute:
3. Whenever any Vacancy occurs in the Office of any existing or future District Surveyor they may appoint another qualified Person in his Place:
4. They may pay such Amount of Compensation as they think fit to any District Surveyor who may be deprived of his Office, in pursuance of the Power hereby given of altering the Limits of Districts:

But, subject to the Provisions herein contained, the several Places which at the Time when this Act comes into operation are constituted Districts under an Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter Eighty-four, and intituled "An Act for "regulating the Construction and Use of Buildings in the Metropolis "and its Neighbourhood," for the Purposes of that Act, shall continue to be Districts for the Purposes of this Act, and the several Persons who at the Time when this Act comes into operation are District Surveyors under the Provisions of the said Act shall continue to be District Surveyors under this Act.

Examination by Institute of British Architects.

XXX. The Institute of British Architects may from Time to Time cause to be examined by such Persons, and in such Manner as they think fit, all Candidates presenting themselves for the Purpose of being examined as to their Competency to perform the Duties of District Surveyor, and shall grant Certificates of Competency to the Candidates found deserving of the same; and no Person who has not already filled the Office of District Surveyor, or has already obtained a Certificate of Competency in pursuance of the said Act of the Eighth Year of the Reign of Her present Majesty, Chapter Eighty-four, shall be qualified to be appointed to that Office, unless he has received such Certificate of Competency as aforesaid, or has been

examined in such other Manner as the said Metropolitan Board may direct, and been found competent in such Examination.

District Surveyor to have Office. 8 Vict. c. 84. s. 72.

XXXI. Every District Surveyor shall have and maintain an Office at his own Expense in such Part of his District as may be approved by the Metropolitan Board of Works.

District Surveyor may appoint Deputy. 8 Vict. c. 4. s. 73.

XXXII. If any District Surveyor is prevented by Illness, Infirmity, or any other unavoidable Circumstance from attending to the Duties of his Office, he may, with the Consent of the Metropolitan Board of Works, appoint some other Person as his Deputy to perform all his Duties for such Time as he may be prevented from executing them.

Assistant Surveyor may be appointed on Emergency, 8 Vict. c. 84. s. 75.

XXXIII. If at any Time it appears to the Metropolitan Board of Works that, on account of the Pressure of Business in any District, or any other Account, the Surveyor of that District cannot discharge his Duties promptly and efficiently, then such Board may direct any other District Surveyor to assist the Surveyor of such District in the Performance of his Duties, or appoint some other Person to give such Assistance, and such Assistant Surveyor shall be entitled to receive all Fees payable in respect of the Services performed by him.

District Surveyor not to act in case of Works under his professional Superintendence. 8 Vict. c. 84. s. 75.

XXXIV. If any Building is executed, or any Work done to, in, or upon any Building, by or under the Superintendence of any District Surveyor acting professionally or on his own private Account, it shall not be lawful for such Surveyor to survey any such Building for the Purpose of this Act, or to act as District Surveyor in respect thereof or in any Matter connected therewith, but it shall be his Duty to give Notice thereof to the said Metropolitan Board, who shall then appoint some other District Surveyor to act in respect of such Matter.

Notices to District Surveyors.

Notices to be given to District Surveyor by Builder. 8 Vict. c. 84. s. 13.

XXXV. Two Days before the following Acts or Event, that is to say,

Two Days before any Building, or any Work to, in, or upon any Building, is commenced, and also, if the Progress of any such Building or Work is after the Commencement thereof suspended for any Period exceeding Three Months, Two Days before such Building or Work is resumed, and also if during the Progress of any such Building or Work the Builder employed thereon is changed, then Two Days before any new Builder enters upon the Continuance of such Building or Work,

It shall be the Duty of the Builder engaged in building or rebuilding such Building, or in executing such Work, or in continuing such Building

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ing or Work, to give to the District Surveyor Notice in Writing stating the Situation, Area, and Height, and intended Use of the Building or Buildings about to be commenced, or to, in, or upon which any Work is to be done, and the Number of such Buildings if more than One, and also the Particulars of any such proposed Work, and stating also his own Name and Address, but any Works to, in, or upon the same Building that are in progress at the same Time may be included in One Notice.

District Surveyor to cause Rules of Act to be observed.

XXXVI. Every District Surveyor shall, upon the Receipt of any such Notice as aforesaid, and also upon any Work affected by the Rules of this Act, but in respect of which no Notice has been given, being observed by or made known to him, and also from Time to Time during the Progress of any Works affected by the Rules and Directions of this Act, as often as may be necessary for securing the due Observance of such Rules, survey any Building or Work hereby placed under their Supervision, and cause all the Rules of this Act to be duly observed.

Notice to be Evidence of intended Works.

XXXVII. Every Notice given in pursuance of this Act shall be deemed, in any Question relative to any Building or Work, to be primâ facie Evidence as against such Builder of the Nature of the Building or Work proposed to be built or done.

Builder to be fined, in default of Notice.

8 Vict. c. 84. s. 13.

XXXVIII. If any Builder neglects to give Notice in any of the Cases aforesaid, or executes any Works of which he is hereby required to give Notice before giving the same, or having given due Notice of any Works executes the same before the Expiration of Two Days from the Time of giving such Notice, such Builder shall for every such Offence incur a Penalty not exceeding Twenty Pounds, to be recovered before a Justice of the Peace.

Entry on Premises in case of Buildings affected by Act.

8 Vict. c. 84. s. 17.

XXXIX. At all reasonable Times during the Progress of any Building or Work affected by this Act, and at any Time within One Month after the Completion thereof, if the same has not been previously inspected by him, it shall be lawful for the District Surveyor to enter and inspect such Building or Work; and if any Person refuses to admit such Surveyor to inspect such Building or Work, or refuses or neglects to afford such Surveyor all reasonable Assistance in such Inspection, in every such Case the Offender shall incur for each Offence a Penalty not exceeding Twenty Pounds, to be recovered before a Justice of the Peace.

Entry on Premises in case of exempted Buildings.

XL. The District Surveyor may at all reasonable Times enter any Premises, with the Exception of Buildings herein-before exempted

by Name, for the Purpose of ascertaining whether any Buildings erected in such Premises are in such a Situation or possess such Characteristics as are herein-before required in order to exempt them from the Operation of this Act, and he may do all such Things as are necessary for the above Purpose; and if any Person refuses to admit such Surveyor to enter such Premises or to inspect any such Building, or neglects to afford to him all reasonable Assistance in such Inspection, in every such Case the Offender shall incur for each Offence a Penalty not exceeding Twenty Pounds to be recovered before a Justice of the Peace.

In case of Emergency, Works may be commenced without Notice. 8 Vict. c. 84. s. 13.

XLI. If by reason of any Emergency any Act or Work is required to be done immediately, or before Notice can be given as aforesaid, then it shall be lawful to do the Act or Work so required to be done, upon Condition that before the Expiration of Twenty-four Hours after such Act or Work has been begun Notice thereof is given to the District Surveyor.

PROCEEDINGS BY DISTRICT SURVEYORS IN CASE OF IRREGULARITY.

Notice by District Surveyor in case of Irregularity.

XLII. In the following Cases, that is to say,—

If in erecting any Building or in doing any Work to, in, or upon any Building, anything is done contrary to any of the Rules of this Act, or anything required by this Act is omitted to be done; or

In Cases where due Notice has not been given,—

If the District Surveyor, on surveying or inspecting any Building or Work, finds that the same is so far advanced that he cannot ascertain whether anything has been done contrary to the Rules of this Act, or whether anything required by the Rules of this Act has been omitted to be done;

In every such Case the District Surveyor shall give to the Builder engaged in erecting such Building, or in doing such Work, Notice in Writing requiring such Builder, within Forty-eight Hours from the Date of such Notice to cause anything done contrary to the Rules of this Act to be amended, or to do anything required to be done by this Act, but which has been omitted to be done, to cause so much of any Building or Work as prevents such District Surveyor from ascertaining whether anything has been done or omitted to be done as aforesaid, to be to a sufficient Extent cut into, laid open, or pulled down.

On Non-compliance with Notice, Justice to make Order.

XLIII. If the Builder to whom such Notice is given makes default in complying with the Requisition thereof within such Period of Forty-eight Hours, the District Surveyor may cause Complaint of such

such Non-compliance to be made before a Justice of the Peace, and such Justice shall thereupon issue a Summons requiring the Builder so in default to appear before him; and if upon his Appearance, or in his Absence, upon due Proof of the Service of such Summons, it appears to such Justice that the Requisitions made by such Notice or any of them are authorized by this Act, he shall make an Order on such Builder commanding him to comply with the Requisitions of such Notice, or any of such Requisitions that may in his Opinion be authorized by this Act, within a Time to be named in such Order.

Penalty on Non-compliance with Order.

XLIV. If such Order is not complied with, the Builder on whom it is made shall incur a Penalty not exceeding Twenty Pounds a Day, to be recovered before a Justice of the Peace, during every Day of the Continuance of such Non-compliance, and in addition thereto the District Surveyor may, if he thinks fit, proceed with a sufficient Number of Workmen to enter upon the Premises, and do all such Things as may be necessary for enforcing the Requisitions of such Notice, and for bringing any Building or Work into conformity with the Rules of this Act, and all Expenses incurred by him in so doing and in any such Proceedings as aforesaid, may be recovered from the Builder on whom such Order was made, in a summary Manner, before a Justice of the Peace, or may be recovered from the Owner of the Premises in the same Manner in which Expenses incurred by the Commissioners of Police in respect of dangerous Buildings are herein-after directed to be recovered from any Owner; and if the Owner cannot be found, or sufficient Distress of his Goods and Chattels cannot be made, the District Surveyor shall have the same Power of taking and selling the Building in respect of which the Order is made, and of applying the Proceeds, as is thereby given to the Commissioners of Police.

Fifty Shillings Penalty on Workmen offending.

XLV. If any Workman, Labourer, Servant, or other Person employed in or about any Building, wilfully, and without the Privity or Consent of the Person causing such Work to be done, does anything in or about such Building contrary to the Rules of this Act, he shall for each such Offence incur a Penalty not exceeding Fifty Shillings.

Fees of District Surveyors.

Payments to District Surveyors.

XLVI. There shall be paid to the District Surveyors, in respect of the several Matters specified in the First Part of the Second Schedule hereto, such Fees, not exceeding the Amounts therein specified, as may from Time to Time be directed by the Metropolitan Board of Works; but One Fee only shall be chargeable with respect to any such Works done in, to, or upon any Building as are in pursuance of the Provisions herein-before contained included in One Notice; and

if in consequence of any Reduction being made by the said Metropolitan Board in the Amount of the said scheduled Fees the Income of any existing District Surveyor is diminished, the Metropolitan Board may grant to him Compensation in respect of such Diminution.

Metropolitan Board may appoint special Fees for Services not provided for.

XLVII. If any special Service is required to be performed by the District Surveyor under the First Part of this Act, for which no Fee is specified in the said Schedule, the Metropolitan Board of Works may order such Fee to be paid for such Service as they think fit, and the District Surveyor shall have the same Remedy for recovering such special Fee as if the same were expressly named in the said Schedule.

Surveyor when entitled to Fees. 8 Vict. c. 84. s. 77.

XLVIII. At the Expiration of the following Periods, that is to say,

of One Month after the Roof of any Building surveyed by any District Surveyor under this Act has been covered in,

of Fourteen Days after the Completion of any such Work as is by this Act placed under the Supervision of the District Surveyor,

of Fourteen Days after any special Service in respect of any Building has been performed,

the District Surveyor shall be entitled to receive the Amount of Fees due to him from the Builder employed in erecting such Building, or in doing such Work, or in doing any Matter in respect of which any special Service has been performed by the Surveyor, or from the Owner or Occupier of the Building so erected or in respect of which such Work has been done or Service performed; and if any such Builder, Owner, or Occupier refuses to pay the same, such Fees may be recovered in a summary Manner before a Justice of the Peace, upon its being shown to the Satisfaction of such Justice that a Bill specifying the Amount of such Fees was delivered to such Builder, Owner, or Occupier, or sent to him in a registered Letter addressed to his last known Residence.

Returns by District Surveyors.

District Surveyor to make monthly Returns. 8 Vict. c. 84. s. 78.

XLIX. Every District Surveyor shall, within Seven Days after the First Day of every Month, make a Return to the Metropolitan Board of Works, in such Manner as they may appoint, of all Notices and Complaints received by him relative to the Business of his District, and the Results thereof, and of all Matters brought by him before any Justice of the Peace, and of all the several Works supervised and special Services performed by him in the Exercise of his Office within the previous Month, and of all Fees charged or received in respect thereof, and specify in such Return the Description and Locality of every Building built, rebuilt, enlarged, or altered,

altered, or on which any Work has been done under his Supervision, with the particular Nature of every Work in respect of which any Fee has been charged or received.

L. Every such Return shall be signed by such Surveyor, and shall be deemed to be a Certificate that all the Works enumerated therein as completed have been done in all respects agreeably to this Act, according to the best of his Knowledge and Belief, and that they have been duly surveyed by him.

Return duly signed to be a Certificate that Works are agreeable to Act. 8 Vict. c. 84. s. 78.

LI. The Officer herein-after mentioned as the Superintending Architect of Metropolitan Buildings, or such other Officer as the Metropolitan Board of Works appoint, shall from Time to Time examine the said monthly Returns made by the District Surveyors; and in case any Fees therein specified appear to such Officer to be unauthorized by this Act, or to exceed in Amount the Rates hereby made payable, or in case any such Account appears to be in any respect fraudulent or untrue, he shall make his Report in Writing to that Effect to the Metropolitan Board of Works, who shall thereupon take such Steps in the Matter as they deem expedient.

Superintending Architect to audit Accounts of Fees charged by District Surveyors, and to report in case of Excess.

Powers of Metropolitan Board of Works.

LII. The Metropolitan Board of Works may, by Order, made with the Consent of Her Majesty in Council, alter, in such Manner as they may think fit, the Rules for the Regulation of the Thickness of Walls contained in the First Schedule hereto.

Power for Metropolitan Board of Works to modify Rules. 8 Vict. c. 84. s. 11.

LIII. Whenever any Builder is desirous of erecting any Iron Building, or any other Building to which the Rules of this Act are inapplicable, he shall make an Application to the Metropolitan Board of Works, stating such Desire, and setting out a Plan of the proposed Building, with such Particulars as to the Construction thereof as may be required by the said Board; and the latter, if satisfied with such Plan and Particulars, shall signify their Approval of the same, and thereupon such Building may be constructed according to such Plan and Particulars; but it shall not be lawful for such Board to authorize any Warehouse or other Building used either wholly or in part for the Purposes of Trade or Manufacture to be erected of greater Dimensions than Two hundred and sixteen thousand Cubic Feet, unless it is divided by Party Walls in manner herein-before required.

Buildings to which Rules of Act are inapplicable.

LIV. The said Metropolitan Board may, for the Purpose of regulating the Proceedings of such Applicants as aforesaid, from Time to Time issue such General Rules as to the Time and Manner of

Power of Board to make General Rules.

making such Applications, as to the Plans to be presented, as to the Expenses to be incurred, and as to any other Matter or Thing connected therewith, as they may think fit.

Approval of Board how signified.

LV. The Approval by the Metropolitan Board of Works of any Plans or Particulars, in pursuance of the foregoing Provisions, shall be signified by Writing under the Hand of the Superintending Architect of Metropolitan Buildings, and countersigned by the Chairman of such Board, or by any other Officer appointed by the Board.

Board to issue Forms of Notices.

LVI. The said Metropolitan Board may from Time to Time prepare or sanction Forms of the various Notices required by this Act, and may from Time to Time make such Alterations therein as they deem requisite; and they shall cause every such Form to be sealed with the Seal of the Board, or marked with some other distinguishing Mark; and any Notice made in a Form sanctioned by the Board shall in all Proceedings be held sufficient in Law.

Expenses of Orders to be borne by Builders.

LVII. All Expenses incurred in and about the obtaining such Approval of the Metropolitan Board of Works as aforesaid shall be paid by the Builder to the said Superintending Architect.

District Surveyor to see Plans carried into execution.

LVIII. A Copy of any Plans and Particulars, approved by the Metropolitan Board of Works, shall be furnished to the Surveyor within whose District the Building to which such Plans and Particulars relate is situate, and thereupon it shall be the Duty of such District Surveyor to ascertain that the same is built in accordance with the said Plans and Particulars.

Power to Board to appoint Architect.

LIX. The Metropolitan Board of Works may, for the Purpose of superintending the District Surveyors, and otherwise aiding in the Execution of this Act, appoint some fit Person, to be called the "Superintending Architect of Metropolitan Buildings," together with such Number of Clerks as they think fit. Such Architect and Clerks shall be removable by the said Metropolitan Board, and shall perform such Duties as the said Board direct; but it shall not be lawful for any Superintending Architect to practise as an Architect, or to follow any other Occupation.

Superintending Architect may appoint Deputy.
8 Vict. c. 4. s. 73.

LX. If the Superintending Architect is prevented by Illness, Infirmity, or any other unavoidable Circumstance from attending to the Duties of his Office, he may, with the Consent of the Metropolitan Board of Works, appoint some other Person as his Deputy to perform all his Duties for such Time as he may be prevented from executing them.

LXI. There

LXI. There shall be paid to such Superintending Architect and Clerks such Salaries as the said Metropolitan Board may from Time to Time direct. Salary to Architect and Clerks.

EXPENSES.

LXII. The said Metropolitan Board may at any Time hereafter, by Order, cause such fixed Salary as they may determine to be paid to any District Surveyor by way of Remuneration instead of Fees; and thereupon such Surveyor shall pay all Fees received by him under this Act into the Hands of the said Superintending Architect. Power of Metropolitan Board to pay Salaries.

LXIII. All Monies received by the Superintending Architect in pursuance of this Act shall be accounted for and paid by him into the Hands of the Treasurer of the said Metropolitan Board, at such Time and in such Manner as the said Board may direct. Superintending Architect to pay to the Metropolitan Board.

LXIV. The said Metropolitan Board may at any Time hereafter provide, either wholly or partially, for the Payment of Salaries to the District Surveyors, or to any of them, out of the Rates leviable by such Board, in pursuance of the said Act for the better local Management of the Metropolis, and may thereupon abolish or reduce any Fees hereby made payable to the District Surveyors. Metropolitan Board may pay Salaries out of Rates.

LXV. All Expenses of carrying into execution this Act, not hereby otherwise provided for, shall be deemed to be Expenses incurred by the said Metropolitan Board in the Execution of the said Act for the better local Management of the Metropolis, and shall be raised and paid accordingly. Expenses, how borne.

PART II.

DANGEROUS STRUCTURES.

LXVI. Whenever it is made known to the Commissioners of Police that any Structure (including in such Expression any Building, Wall, or other Structure, and anything affixed to or projecting from any Building, Wall, or other Structure,) is in a dangerous State, such Commissioners shall require a Survey of such Structure to be made by the District Surveyor, or by some other competent Surveyor, and it shall also be the Duty of the District Surveyor to make known to the Commissioners of Police any Information he may receive with respect to any Structure being in such State as aforesaid. Survey to be made of dangerous Structures. 8 Vict. c. 84. s. 40.

Definition of Commissioners of Police. 8 Vict. c. 84. s. 40.

LXVII. In Cases where any such Structure is situate within the City of London, the Expression "Commissioners of Police" shall mean "the Commissioner of the City Police;" but when such Structure is situate elsewhere, it shall mean "the Commissioners of Police of the Metropolis," or such One of them as may be authorized by One of Her Majesty's Principal Secretaries of State to act in the Matter of this Act.

Surveyor to give Certificate. 8 Vict. c. 84. s. 40.

LXVIII. Upon the Completion of his Survey the Surveyor employed shall certify to the said Commissioners his Opinion as to the State of any such Structure as aforesaid.

Proceedings to be taken in respect of Certificate. 8 Vict. c. 84. s. 40.

LXIX. If such Certificate is to the Effect that such Structure is not in a dangerous State, no further Proceedings shall be had in respect thereof, but if it is to the Effect that the same is in a dangerous State, the Commissioners shall cause the same to be shored up, or otherwise secured, and a proper Hoard or Fence to be put up for the Protection of Passengers, and shall cause Notice in Writing to be given to the Owner or Occupier of such Structure requiring him forthwith to take down, secure, or repair the same, as the Case requires.

On Non-compliance with Notice Justice to make Order.

LXX. If the Owner or Occupier to whom Notice is given as last aforesaid fails to comply, as speedily as the Nature of the Case permits, with the Requisition of such Notice, the said Commissioners may make Complaint thereof before a Justice of the Peace; and it shall be lawful for such Justice to order the Owner, or on his Default the Occupier, of any such Structure to take down, rebuild, repair, or otherwise secure, to the Satisfaction of the Surveyor who made such Survey as aforesaid, such Structure or such Part thereof as appears to him to be in a dangerous State, within a Time to be fixed by such Justice; and in case the same is not taken down, repaired, rebuilt, or otherwise secured within the Time so limited, the said Commissioners may with all convenient Speed cause all or so much of such Structure as is in a dangerous Condition to be taken down, repaired, rebuilt, or otherwise secured, in such Manner as may be requisite; and all Expenses incurred by the said Commissioners in respect of any dangerous Structure by virtue of the Second Part of this Act shall be paid by the Owner of such Structure, but without Prejudice to his Right to recover the same from any Lessee or other Person liable to the Expenses of Repairs.

The Expenses to be levied by Distress on the Owner. 8 Vict. c. 84. s. 42.

LXXI. If such Owner can be found, and if, on Demand of the Expenses aforesaid, he neglects or refuses to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly.

LXXII. If

If Owner cannot be found, Commissioners may sell House.

LXXII. If such Owner cannot be found, or sufficient Distress of his Goods and Chattels cannot be made, the said Commissioners, after giving Three Months Notice of their Intention to do so, by posting a printed or written Notice in a conspicuous Place on such Structure or on the Land whereon it stands, may sell such Structure, and they shall, after deducting from the Proceeds of such Sale the Amount of all Expenses incurred by them, restore the Surplus (if any) to the Owner.

Payments by or to the Commissioners, how made.

LXXIII. All Payments hereby directed to be made by or to the Commissioners of Police shall in the Cases of Payments in respect of any Structure situate within the City of London be made by or to the Chamberlain of the City, and in the Cases of Payments in respect of any Structure situate elsewhere within the Limits of this Act be made by or to the Receiver of Metropolitan Police, in the same Manner in which Payments are made by or to such Chamberlain and Receiver respectively in the ordinary Course of their Business; but no Commissioner of Police or other Officer shall be liable in respect of any Loss that may be sustained by any Person in consequence of the Exercise by the said Commissioners of the Powers hereby given them, unless such Loss happens through the wilful Default of such Commissioner or other Officer.

Surplus how applied if no Demand. 8 Vict. c. 84. s. 41.

LXXIV. In Cases where any Surplus is hereby made payable to any Owner, if no Demand for the same is made by any Person entitled thereto within Six Years, then the same shall, as regards Places within the City of London, be paid to the Chamberlain of the City, and as regards all other Places within the Limits of this Act, be paid to the Receiver of the Metropolitan Police District, and be applied for the Purposes of the Police Force of the Metropolis.

Fees to District Surveyor.

LXXV. There shall be paid to the District Surveyor, or to such other Surveyor as aforesaid, in respect of his Services under the Second Part of this Act, such Fees, not exceeding the Amounts specified in the Second Part of the Second Schedule hereto, as may from Time to Time be directed by the said Metropolitan Board.

Metropolitan Board may appoint special Fees for Services not provided for.

LXXVI. If any special Service is required to be performed by the District Surveyor, or by such other Surveyor as aforesaid, under the Second Part of this Act, for which no Fee is specified in the said Schedule, the said Metropolitan Board may order such Fee to be paid for such Service as they think fit.

Fees to be deemed Part of Expenses.

LXXVII. All Fees paid to the District Surveyor, or to such other Surveyor as aforesaid, by virtue of the Second Part of this Act, shall

shall be deemed to be Expenses incurred by the said Commissioners in the Matter of the dangerous Structure in respect of which such Fees are paid, and shall be recoverable by them from the Owner accordingly.

Justice of Peace may cause Inmates to be removed from dangerous Structures.

LXXVIII. In Cases where a Structure has been certified by a District Surveyor, or such other Surveyor as aforesaid, to be dangerous to its Inmates, a Justice of the Peace may, if satisfied of the Correctness of such Certificate, upon the Application of the said Commissioners, by Order under his Hand direct any Inmates of such Structure to be removed therefrom by a Constable or other Peace Officer, and if they have no other Abode he may require them to be received into the Workhouse established for the Reception of the Poor of the Place in which such Structure is situate.

Power of Commissioners to appoint Officers.

LXXIX. Subject to the Approval of One of Her Majesty's Principal Secretaries of State, the said Commissioners may appoint such Persons at such Salaries, and make such Regulations, as they think fit for carrying into execution the Second Part of this Act; and all Expenses incurred by them not hereby otherwise provided for shall be deemed to be Expenses incurred by the said Commissioners in respect of the Police Force of which they are respectively Commissioners, and be payable accordingly.

PART III.

PARTY STRUCTURES.

Preliminary.

Definition of Building Owner and Adjoining Owner.

LXXX. In the Construction of the following Provisions relating to Party Structures, such One of the Owners of the Premises separated by or adjoining to any Party Structure as is desirous of executing any Work in respect to such Party Structure shall be called the Building Owner, and the Owner of the other Premises shall be called the Adjoining Owner.

Rights of Building and Adjoining Owners.

Rights of Building Owner. 8 Vict. c. 84. s. 20.

LXXXI. The Building Owner shall have the following Rights in relation to Party Structures; that is to say,

(1.) A Right to make good or repair any Party Structure that is defective or out of repair:

(2.) A Right to pull down and rebuild any Party Structure that is so far defective or out of repair as to make it necessary or desirable to pull down the same:

(3.) A Right

(3.) A Right to pull down any Timber or other Partition that divides any Buildings, and is not conformable with the Regulations of this Act, and to build instead a Party Wall conformable thereto:

(4.) In the Case of Buildings having Rooms or Stories the Property of different Owners intermixed, a Right to pull down such of the said Rooms or Stories or any Part thereof as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

(5.) In the Case of Buildings connected by Arches or Communications over public Ways or over Passages belonging to other Persons, a Right to pull down such of the said Buildings, Arches, or Communications, or any Part thereof, as are not built in conformity with this Act, and to rebuild the same in conformity with this Act:

(6.) A Right to raise any Party Structure permitted by this Act to be raised, or any External Wall built against such Party Structure, upon Condition of making good all Damage occasioned thereby to the adjoining Premises or to the internal Finishings and Decorations thereof, and of carrying up to the requisite Height all Flues and Chimney Stacks belonging to the Adjoining Owner on or against such Party Structure or External Wall:

(7.) A Right to pull down any Party Structure that is of insufficient Strength for any Building intended to be built, and to rebuild the same of sufficient Strength for the above Purpose, upon Condition of making good all Damage occasioned thereby to the adjoining Premises, or to the internal Finishings and Decorations thereof:

(8.) A Right to cut into any Party Structure upon Condition of making good all Damage occasioned to the adjoining Premises by such Operation:

(9.) A Right to cut away any Footing or any Chimney Breasts, Jambs, or Flues projecting from any Party Wall, in order to erect an External Wall against such Party Wall, or for any other Purpose, upon Condition of making good all Damage occasioned to the adjoining Premises by such Operation:

(10.) A Right to cut away or take down such Parts of any Wall or Building of an Adjoining Owner as may be necessary in consequence of such Wall or Building overhanging the Ground of the Building Owner, in order to erect an upright Wall against the same, on Condition of making good any Damage sustained by the Wall or Building by reason of such cutting away or taking down:

 (11.) A Right

(11.) A Right to perform any other necessary Works incident to the Connexion of Party Structure with the Premises adjoining thereto:

But the above Rights shall be subject to this Qualification, that any Building which has been erected previously to the Time of this Act coming into operation shall be deemed to be conformable with the Provisions of this Act if it is conformable with the Provisions of an Act passed in the Fourteenth Year of His late Majesty King George the Third, Chapter Seventy-eight, or with the Provisions of the said Act of the Eighth Year of Her present Majesty, Chapter Eighty-four.

Rights of Adjoining Owner.

LXXXII. Whenever the Building Owner proposes to exercise any of the foregoing Rights with respect to Party Structures the Adjoining Owner may require the Building Owner to build on any such Party Structure certain Chimney Jambs, Breasts, or Flues, or certain Piers or Recesses, or any other like Works for the Convenience of such Adjoining Owner; and it shall be the Duty of the Building Owner to comply with such Requisition in all Cases where the Execution of the required Works will not be injurious to the Building Owner, or cause to him unnecessary Inconvenience or unnecessary Delay in the Exercise of his Right; and any Difference that arises between any Building Owner and Adjoining Owner in respect of the Execution of such Works as aforesaid shall be determined in manner in which Differences between Building Owners and Adjoining Owners are herein-after directed to be determined.

Rules as to Exercise of Rights by Building and Adjoining Owners.

LXXXIII. The following Rules shall be observed with respect to the Exercise by Building Owners and Adjoining Owners of their respective Rights:—

(1.) No Building Owner shall, except with the Consent of the Adjoining Owner, exercise any Right hereby given in respect of any Party Structure, unless he has given at the least Three Months previous Notice to the Adjoining Owner:

(2.) The Notice so given shall be in Writing or printed, and shall state the Nature of the proposed Work, and the Time at which such Work is proposed to be commenced:

(3.) No Building Owner shall exercise any Right hereby given to him in such Manner or at such Time as to cause unnecessary Inconvenience to the Adjoining Owner:

(4.) Upon the Receipt of such Notice the Adjoining Owner may require the Building Owner to build on any such Party Structure any Works to the Construction of which he is herein-before mentioned to be entitled:

(5.) Any

(5.) Any Requisition so made by an Adjoining Owner shall be in Writing or printed, and shall be delivered to the Building Owner within One Month after the Date of the Notice being given by him: It shall specify the Works required by the Adjoining Owner for his Convenience, and shall, if necessary, be accompanied with explanatory Plans and Drawings:

(6.) If either Owner does not, within Fourteen Days after the Delivery to him of any Notice or Requisition, express his Consent thereto, he shall be considered as having dissented therefrom, and thereupon a Difference shall be deemed to have arisen between the Building Owner and the Adjoining Owner:

(7.) In all Cases where a Difference arises between a Building Owner and Adjoining Owner in respect of any Matter arising under this Act, unless both Parties concur in the Appointment of One Surveyor they shall each appoint a Surveyor, and the Two Surveyors so appointed shall select a Third Surveyor, and such One Surveyor or Three Surveyors, or any Two of them, shall settle any Matter in Dispute between such Building and Adjoining Owner, with Power by his or their Award to determine the Right to do, and the Time and Manner of doing any Work, and generally any other Matter arising out of or incidental to such Difference; but any Time so appointed for doing any Work shall not commence until after the Expiration of such Period of Three Months, as is herein-before mentioned:

(8.) Any Award given by such One Surveyor, or by such Three Surveyors, or any Two of them, shall be conclusive, unless One of the Parties to the Difference appeals therefrom to the County Court, which he may do within Fourteen Days from the Date of the Delivery of any such Award as aforesaid, and such County Court may rescind or modify the Award so given in such Manner as it thinks just:

(9.) If either Party to the Difference makes default in appointing a Surveyor for Ten Days after Notice has been given to him by the other Party to make such Appointment, the Party giving the Notice may make the Appointment in the Place of the Party so making default:

(10.) The Costs incurred in obtaining any such Award as aforesaid shall be paid by such Party as such One Surveyor, or Three Surveyors, or any Two of them, may determine, or as, in the event of an Appeal, may be decided by the County Court.

Power of Entry on Premises to effect Works. 8 Vict. c. 84. s. 36.

LXXXIV. Whenever any Building Owner has become entitled, in pursuance of this Act, to execute any Work, it shall be lawful for him, his Servants, Agents, or Workmen, at all usual Times of working, to enter on any Premises, for the Purpose of executing and to execute such Work, removing any Furniture, or doing any other Thing that may be necessary, and if such Premises are closed he or they may, accompanied by a Constable or other Officer of the Peace, break open any Doors in order to such Entry; and any Owner or other Person that hinders or obstructs any Workman employed for any of the Purposes aforesaid, or wilfully damages or injures the said Work, shall incur for every such Offence a Penalty not exceeding Ten Pounds, to be recovered before a Justice of the Peace.

Security to be given by Building Owner.

LXXXV. Any Adjoining Owner may, if he thinks fit, by Notice under his Hand, require the Building Owner, before commencing any Work which he may be authorized by this Act to execute, to give such Security as may be agreed upon, or in case of Difference may be settled by the County Court, for the Payment of all such Costs and Compensation in respect of such Work as may be payable by such Building Owner.

Rules as to Expenses.

LXXXVI. The following Rules shall be observed as to Expenses in respect of any Party Structure; (that is to say,)

As to Expenses to be borne jointly by the Building Owner and Adjoining Owner:

(1.) If any Party Structure is defective or out of repair the Expense of making good or repairing the same shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner makes of such Structure:

(2.) If any Party Structure is pulled down and rebuilt by reason of its being so far defective or out of repair as to make it necessary or desirable to pull down the same, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner makes of such Structure:

(3.) If any Timber or other Partition dividing any Building is pulled down, in exercise of the Right herein-before vested in a Building Owner, and a Party Structure built instead thereof, the Expense of building such Party Structure, and also of building any additional Party Structures that may be required by reason of such Partition having been pulled down, shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each

each Owner makes of such Party Structure, and to the Thickness required to the respective Buildings parted thereby:

(4.) If any Room or Stories, or any Part of Rooms or Stories, the Property of different Owners, and intermixed in any Building, are pulled down in pursuance of the Right herein-before vested in any Building Owner, and rebuilt in conformity with this Act, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner makes of such Rooms or Stories:

(5.) If any Arches or Communications, or any Parts thereof, are pulled down in pursuance of the Right herein-before vested in any Building Owner, and rebuilt in confirmity with this Act, the Expense of such pulling down and rebuilding shall be borne by the Building Owner and Adjoining Owner in due Proportion, regard being had to the Use that each Owner makes of such Arches or Communications:

As to Expenses to be borne by Building Owner:

(6.) If any Party Structure or External Wall built against the same is raised in pursuance of the Power herein-before vested in any Building Owner, the Expense of raising the same, and of making good all such Damage, and of carrying up to the requisite Height all such Flues and Chimnies as are herein-before required to be made good and carried up, shall be borne by the Building Owner:

(7.) If any Party Structure which is of proper Materials and sound, or not so far defective or out of repair as to make it necessary or desirable to pull down the same, is pulled down and rebuilt by the Building Owner, the Expense of pulling down and rebuilding the same, and of making good all such Damage as is herein-before required to be made good, shall be borne by the Building Owner:

(8.) If any Party Structure is cut into by the Building Owner, the Expense of cutting into the same, and of making good any Damage herein-before required to be made good, shall be borne by such Building Owner:

(9.) If any Footing, Chimney Breast, Jambs, or Floor is cut away in pursuance of the Powers herein-before vested in any Building Owner, the Expense of such cutting away, and of making good any Damage herein-before required to be made good, shall be borne by the Building Owner.

Account of Expenses of Works to be delivered to

LXXXVII. Within One Month after the Completion of any Work which any Building Owner is by this Act authorized or required

Adjoining Owner within One Month.

quired to execute, and the Expense of which is in whole or in part to be borne by an Adjoining Owner, such Building Owner shall deliver to the Adjoining Owner an Account in Writing of the Expense of the Work, specifying any Deduction to which such Adjoining Owner or other Person may be entitled in respect of old Materials, or in other respects; and every such Work as aforesaid shall be estimated and valued at fair average Rates and Prices, according to the Nature of the Work and the Locality, and the Market Price of Materials and Labour at the Time.

Appeal against Account.

LXXXVIII. At any Time within One Month after the Delivery of such Account, the Adjoining Owner, if dissatisfied therewith, may declare his Dissatisfaction to the Party delivering the same, by Notice under his Hand addressed to such Party, and specifying his Objections thereto; and upon such Notice having been given a Difference shall be deemed to have arisen between the Parties, and such Difference shall be determined by the County Court.

Building Owner may recover, if no Appeal made.

LXXXIX. If within such Period of One Month as aforesaid the Party receiving such Account does not declare his Dissatisfaction therewith, he shall be deemed to have accepted the same, and shall pay the same, on Demand, to the Party delivering the Account, and if he fails to do so the Amount so due may be recovered as a Debt in the County Court.

Penalty on Delay of Payment.

XC. Where the Adjoining Owner is liable to contribute to the Expenses of building any Party Structure, until such Contribution is paid the Building Owner at whose Expense the same was built shall stand possessed of the sole Property in such Structure.

Expenses incurred on Requisition of Adjoining Owner.

XCI. Where any Building Owner has incurred any Expenses on the Requisition of an Adjoining Owner, the Adjoining Owner making such Requisition shall be liable for all such Expenses, and in default of Payment the same may be recovered from him as a Debt in the County Court.

Penalty on Building Owner failing to execute required Works.

XCII. Where any Building Owner is, by the Third Part of this Act, liable to make good any Damage he may occasion to the Property of the Adjoining Owner by any Works authorized to be executed by him, or to do any other Thing upon Condition of doing which his Right to execute such Works is hereby limited to arise, and such Building Owner fails within a reasonable Time to make good such Damage or to do such Thing, he shall incur a Penalty, to be recovered before a Justice of the Peace, not exceeding Twenty Pounds for each Day during which such Failure continues.

XCIII. Where,

Consent how given on behalf of Persons under Disability.

XCIII. Where, in pursuance of this Act, any Consent is required to be given, any Notice to be served, or any other Thing to be done by, on, or to any Owner under Disability, such Consent may be given, such Notice may be served, and such Thing may be done by, on, or to the following Persons, on behalf of such Persons under Disability; that is to say,

By, on, or to a Husband, on behalf of his Wife:

By, on, or to a Trustee, on behalf of his Cestuique Trust:

By, on, or to a Guardian or Committee, on behalf of an Infant, Idiot, or Lunatic.

Consent how given on behalf of Persons not to be found.

XCIV. Where any Consent is required to be given or any other Thing to be done by any Owner in pursuance of this Act, if there is no Owner capable of giving such Consent or of doing such Thing, and no Person empowered by this Act to give such Consent or to do such Thing on behalf of such Owner, or if any Owner so capable, or any Person so empowered, cannot be found, the Judge of the County Court shall have Power to give such Consent or do or cause to be done such Thing on behalf of such Owner, upon such Terms and subject to such Conditions as he may think fit, having regard alike to the Nature and Purpose of the Subject Matter in respect of which such Consent is to be given, and to the fair Claims of the Parties on whose Behalf such Consent is to be given; and such Judge shall have Power to dispense with the Service of any Notice which would otherwise be required to be served on such Owner as is mentioned in this Section.

PART IV.

MISCELLANEOUS PROVISIONS.

Payment of Expenses by Owner. 8 Vict. c. 84. s. 50.

XCV. Where it is hereby declared that Expenses in respect of any Structure are to be borne by the Owner of any Premises, the following Rules shall be observed with respect to the Payment of such Expenses; that is to say,

(1.) The Person immediately entitled in possession to such Premises, or the Occupier thereof, shall in the first instance pay such Share:

(2.) Any Occupier who has paid any Expenses in pursuance of this Section shall be entitled to deduct from the Rents due or becoming due from him to his Lessor the Amount of such Expenses payable by his Lessor, and the Receipt for such Payment shall be a sufficient Discharge to any Occupier

pier for so much Money as he has so paid, and shall be allowed by such Lessor in part or full Payment (as the Case may be) of the Rent due to him by such Occupier:

(3.) If there are more Owners than One, every Owner shall be liable to contribute to such Expenses and Costs, in proportion to his Extent of Ownership:

(4.) If any Difference arises as to the Amount of Contribution, such Difference shall be decided by the County Court:

(5.) If some of the Owners liable to such Contribution cannot be found, the Deficiency so arising shall be divided amongst the Parties that can be found:

(6.) Any Monies due from any Owner or Occupier under this Section may be recovered from the Person so owing the same, as a Debt in the County Court.

Rules as to Service of Notices, Summonses, and Orders.

XCVI. The following Rules shall be observed with respect to the Service of any Notice, Summons, or Order under this Act:

(1.) A Notice, Summons, or Order may in all Cases be served personally:

(2.) A Notice, Summons, or Order may be served on any Builder by leaving the same or sending it in a registered Letter addressed to him at his Place of Address as stated by him to the District Surveyor, or by putting up such Notice, Summons, or Order on a conspicuous Part of the Building or Premises to which the same relates:

(3.) A Notice, Summons, or Order may be served on the Owner or Occupier of any Premises by leaving the same with the Occupier of such Premises, or with some Inmate of his Abode, or if there is no Occupier by putting up such Notice, Summons, or Order on a conspicuous Part of the Building or Premises to which the same relates; and it shall not be necessary to name the Owner or Occupier of such Premises; nevertheless, when the Owner of any such Premises and his Residence are known to the Party serving any Notice, Summons, or Order, it shall be the Duty of such Party to send every such Notice, Summons, or Order by the Post addressed to the Residence of such Owner:

(4.) A Notice, Summons, or Order may be served on any District Surveyor by leaving the same at his Office.

County Court.

XCVII. Whenever any Thing is hereby authorized to be done by a County Court it may be done as follows; that is to say, if such Thing arises in respect of any Building or Wall situate within the City of London or the Liberties thereof, by the Sheriffs Court established

established by a Local Act passed in the Eleventh Year of the Reign of Her Majesty, Chapter Seventy-one, intituled "An Act "for the more easy Recovery of Small Debts and Demands within the "City of London or the Liberties thereof," and if such Thing arises in respect of a Building or Wall situate elsewhere, by the County Court established under an Act passed in the Tenth Year of the Reign of Her Majesty, Chapter Ninety-five, and intituled "An Act for the more easy Recovery of Small Debts and Demands in England," and having Jurisdiction within the District in which such Building or Wall is situate.

Manner of determining Differences.

XCVIII. In Cases where Jurisdiction is hereby given to a County Court, such Court may from Time to Time make such Order in respect of the Matters so brought before it as it thinks fit, with Power to settle the Time and Manner of executing any Work, or of doing any other Thing, and to put the Parties to the Case upon such Terms as respects the Execution of the Work as it thinks fit: It shall also settle the Amount of Costs, and shall order Payment thereof by both or such One of the Parties to the Case as it thinks fit, having regard to Circumstances, and to the Propriety of any Offers that may have been made by One of such Parties to the other.

Form of Proceedings in County Court.

XCIX. Proceedings in any County Court in respect of any Matter arising under this Act shall be conducted in the same Manner as Proceedings are conducted in any Case within the ordinary Jurisdiction of such Court, or as near thereto as Circumstances permit.

Appeal from Decision of County Court.

C. If either Party in any Case over which Jurisdiction is hereby given to a County Court feels aggrieved with the Decision of such Court, he may appeal therefrom in the same Manner and upon the same Terms in and upon which he might have appealed from the Decision of such Court in any Case within the ordinary Jurisdiction of such Court, or as near thereto as Circumstances permit; but no such Appeal shall be allowed unless the Value of the Matter in difference between the Parties exceeds Twenty Pounds; and the Opinion of the Judge before whom the Case is tried as to such Value shall be conclusive.

Recovery of Penalties.

CI. All Penalties under this Act, and all Fees, Monies, Costs, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate "the Performance of the Duties of Justices of the Peace out of Sessions

" within England and Wales with respect to summary Convictions " and Orders;" and whenever any Thing is hereby authorized or required to be done by or before a Justice of the Peace it may be done as follows; that is to say, if such Thing arises in respect of any Building or Wall situate within the City of London, by or before One or more Justice or Justices of the Peace for the said City or by any Metropolitan Police Magistrate, and if such Thing arises in respect of any Building or Wall situate elsewhere within the Limits of this Act, by or before any Metropolitan Police Magistrate.

Application of Penalties.

CII. Any Justice of the Peace in any Case over which Jurisdiction is hereby given to him may make such Order as to the Costs of any Proceedings of which he has Cognizance as he thinks just; he may also direct the whole or any Part of any Penalty imposed by him under this Act to be applied in or towards Payment of the Costs of the Proceedings; and, subject to such Direction, all Penalties shall be paid into the Hands of the Treasurer of the said Metropolitan Board, to be applied in such Manner as the said Board thinks fit.

Provisions as to Limitation of Time when due Notice has not been given.

CIII. In Cases where any Building has been erected or Work done without due Notice being given to the District Surveyor, the Time during which the District Surveyor may take any Proceeding in respect of such Building or Work shall begin to run from the Date of his discovering that such Building has been erected or Work done.

Power to appeal to Superior Courts.

CIV. In every Case, except in respect of Fees of a District Surveyor, in which Jurisdiction is herein-before given to a Justice of the Peace, if either Party to any such Case is dissatisfied with the Determination of the Justice so convicting, in respect of any Point of Law, or of the Admission or Rejection of any Evidence, such Party may, upon giving Notice within Seven Days to the other Party of his Intention to appeal, appeal therefrom to any of the Superior Courts of Common Law at Westminster; subject to this Restriction, that no such Appeal shall be made by any District Surveyor except with the Consent of the Justice before whom the Case is tried, and that no such Appeal shall be made by any other Party to the Case except upon giving such Security for Costs, and, if the Case requires it, in addition thereto, such Undertaking in respect of desisting in the meantime from any Works complained of, or in respect of any other Matter or Thing arising in the Case, as the Justice thinks fit.

Form of Appeal.

CV. Any Appeal so made shall be in the Form of a Special Case, to be agreed on by both Parties, or, if the Parties cannot agree, to be settled by the Justice from whose Decision the Appeal is

is made; and such Case shall be transmitted by the Appellant to the Rule Department of the Master's Office in the Court in which the Appeal is to be brought, and be heard in manner provided by the Practice of such Court.

Notice of Action. 8 Vict. c. 14.

CVI. No Writ or Process shall be sued out against any District Surveyor or other Person for anything done or intended to be done under the Provisions of this Act until the Expiration of One Month next after Notice in Writing has been delivered to him, or left at his Office or usual Place of Abode, stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in such last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within Six Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder.

PART V.

REPEAL OF FORMER ACTS, AND TEMPORARY PROVISIONS.

Repeal.

Repeal of former Acts.

CVII. From and after the Commencement of this Act, the following Acts, that is to say, an Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter Eighty-four, and intituled "An Act "for regulating the Construction and the Use of Buildings in the "Metropolis and its Neighbourhood," and an Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Five, and intituled "An Act to amend an Act for regulating the Contruction and Use of Buildings in the Metropolis and its Neighbourhood," are hereby repealed, subject to the following Provisions; that is to say,

1. That such Repeal shall not affect any Proceedings authorized to be taken by the said Acts or either of them in respect of any Act, Omission, Penalty, Matter, or Thing, and pending before the Official Referees or any other Tribunal at the Time of the Commencement of this Act:
2. That in Cases where any Act, Omission, or Thing has occurred previously to the Time of the Commencement of this Act, in respect

respect of which, if this Act had not passed, Proceedings might have been taken under the said Acts or either of them, then Proceedings in respect of such Act, Omission, or Thing may be had under this Act in manner following; that is to say, if the Matter in question is anything relating to the Rights of Building and Adjoining Owners in respect of Party Structures, Proceedings may be had in the County Court, but if the Matter in question relates to the Recovery of any Penalty or to any other Thing, Proceedings may be had before any Justice of the Peace:

3. That so much of the Act of the Fourteenth Year of King George the Third, Chapter Seventy-eight, as was excepted from the Operation of the said Act of the Eighth Year of Her present Majesty, Chapter Eighty-four, (that is to say,) the Sections numbered respectively Seventy-four, Seventy-five, Seventy-six, Seventy-seven, Seventy-eight, Eighty, Eighty-one, Eighty-two, Eighty-three, Eighty-four, Eighty-five, and Eighty-six, shall continue in full Force.

Contracts to be modified to meet the Act. 7 & 8 Vict. c. 84. s. 9.

CVIII. Any Contract made previously to the passing of this Act for the Erection of a new Building shall be carried into effect in the same Manner as if this Act had been passed at the Time of the making thereof, and the necessary Deviations from the Terms of such Contract may be made accordingly; and if any Dispute arises in respect of any Loss sustained by any Party to such Contract by reason of such necessary Deviation, such Dispute shall be determined by the County Court.

Iron Buildings constructed before Act comes into operation.

CIX. In Cases where any Iron Building has been constructed or is in the Progress of Construction previously to the Time at which this Act comes into operation, and Doubts are entertained whether such Building is permitted by Law, any Person interested in such Building may make an Application to the Commissioners of Works and Buildings, to signify their Approval of such Building; and the Commissioners of Works and Buildings, upon being satisfied of the Stability of such Building, may approve of the same, and upon such Approval being given such Building shall be deemed to have been constructed in manner permitted by Law, and this Section shall come into operation immediately after the passing of this Act.

Compensation to Official Referees and Registrar.

CX. The Official Referees and Registrar of Metropolitan Buildings may, within Six Months from the Time at which this Act comes into operation, apply to the Commissioners of Her Majesty's Treasury for Compensation in respect of the Loss they have sustained by reason of the Abolition of their Offices; and the Commissioners shall take

take any such Application into consideration, and award such Compensation, either by way of a gross Sum or annual Payment, as they think just, having regard to the Nature of the Office, the Time during which the Applicant has held the same, and generally to the special Circumstances of each Case; and any Compensation so given shall be paid out of Monies to be provided by Parliament; and such Compensation, when made by annual Payment, shall be subject to this Proviso, that if any such Official Referee or Registrar is at any Time thereafter appointed to any Public Office in respect of which he receives a Salary, the Payment of the Compensation awarded to him under this Act shall be suspended so long as he receives such Salary, if the Amount thereof is greater than such Compensation, or if not shall be diminished by the Amount of such Salary.

Compensation to Clerks in Office of Metropolitan Buildings.

CXI. Any Person, except the said Official Referees and Registrar, who at the Time when this Act comes into operation is employed in the Office of Metropolitan Buildings may within Six Months from such Time apply to the Metropolitan Board of Works for Employment, and such Board shall thereupon take such Application into consideration, and they shall either employ the Applicant at a Salary not less in Amount than that which he enjoyed when in the said Office of Metropolitan Buildings, or they shall award to him such Compensation, if any, as they, or in the event of the Applicant feeling aggrieved with their Decision, as the Commissioners of the Treasury, think just, having regard to the Nature of the Office, the Time during which it has been held by the Applicant, and generally to the special Circumstances of the Case; and any Expenses incurred by the said Board in carrying into effect this Section shall be deemed to be Expenses incurred in the Execution of the said Act for the better Local Management of the Metropolis, and be raised accordingly; nevertheless, if any such Clerk or Servant as aforesaid at any Time thereafter is appointed to any Public Office, or to any Office under the said Metropolitan Board, in respect of which he receives a Salary, the Payment of the Compensation awarded to him under this Act shall be suspended so long as he receives such Salary, if the Amount thereof is greater than the Amount of such Compensation, or if not shall be diminished by the Amount of such Salary; but notwithstanding anything herein contained the Metropolitan Board may, in the event of their employing any Person mentioned in this Section, dismiss him with the Consent of the Treasury.

FIRST SCHEDULE.

PART I.

RULES APPLICABLE TO BUILDINGS IN GENERAL.

Structure of Buildings.

1. Every Building shall be enclosed with Walls constructed of Brick, Stone, or other hard and incombustible Substances, and the Foundations shall rest on the solid Ground, or upon Concrete or upon other solid Substructure.

Construction of Walls of Brick, Stone, &c.

2. Every Wall constructed of Brick, Stone, or other similar Substances shall be properly bonded and solidly put together with Mortar or Cement, and no Part of such Wall shall overhang any Part underneath it.

Thickness of Walls.

3. The Thickness of every Wall as herein-after determined shall be the minimum Thickness.

Height of Story.

4. The Height of every topmost Story shall be measured from the Level of its Floor up to the under Side of the Tie of the Roof, or up to Half the vertical Height of the Rafters, when the Roof has no Tie; and the Height of every other Story shall be the clear Height of the Story exclusive of the Thickness of the Floor.

Height of External and Party Walls.

5. The Height of every External and Party Wall shall be measured from the Base of the Wall to the Level of the Top of the topmost Story.

Length of Walls.

6. Walls are deemed to be divided into distinct Lengths by Return Walls, and the Length of every Wall is measured from the Centre of one Return Wall to the Centre of another, such Return Walls being External, Party, or Cross Walls of the Thickness herein-after required.

Footings of Walls.

7. The Projection of the Bottom of the Footing of every Wall, on each Side of the Wall, shall be at least One Half of the Thickness of the Wall at its Base; and the Diminution of the Footing of every Wall shall be formed in regular Offsets, and the Height from the Bottom of such Footing to the Base of the Wall shall be at the least greater by One Fourth Part than the required Projection of such Footing.

PART

PART II.

RULES FOR THE WALLS OF DWELLING HOUSES.

Thickness of Walls of Dwelling Houses.

1. The External and Party Walls of Dwelling Houses shall be made throughout the different Stories of the Thickness shown in the following Table, arranged according to the Heights and Lengths of the Walls, and calculated for Walls up to One hundred Feet in Height, and supposed to be built of Bricks not less than Eight and a Half Inches and not more than Nine and a Half Inches in Length, the Heights of the Stories being subject to the Condition herein-after given.

2. TABLE.

I.	II.	III.	IV.
Height up to 100 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Three Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 80 Feet. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 90 Feet.	Length up to 45 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 70 Feet. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 30 Inches. Two Stories, 26 Inches. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 80 Feet.	Length up to 40 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 60 Feet. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 70 Feet.	Length up to 40 Feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length up to 55 Feet. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 26 Inches. Two Stories, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 60 Feet.	Length up to 30 Feet. One Story, 17½ Inches. Remainder, 13 Inches.	Length up to 50 Feet. Two Stories, 17½ Inches. Remainder, 13 Inches.	Length unlimited. One Story, 21½ Inches. Two Stories, 17½ Inches. Remainder, 13 Inches.
Height up to 50 Feet.	Length up to 30 Feet. Wall below the Topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	Length up to 45 Feet. One Story, 17½ Inches. Remainder up to Topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. One Story, 21½ Inches. One Story, 17½ Inches. Remainder, 13 Inches.
Height up to 40 Feet.	Length up to 35 Feet. Wall below Two Topmost Stories, 13 Inches. Two Topmost Stories, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. One Story, 17½ Inches. Remainder up to Topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 30 Feet.	Length up to 35 Feet. Wall below Two Topmost Stories, 13 Inches. Two Topmost Stories, 8½ Inches. Remainder, 8½ Inches.	Length unlimited. Wall below Topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	
Height up to 25 Feet.	Length up to 30 Feet. From Base to Top of Wall, 8½ Inches.	Length unlimited. Wall below Topmost Story, 13 Inches. Topmost Story, 8½ Inches. Remainder, 8½ Inches.	

Explanation of Tables.

3. In using the above Table the Height of the Wall is to be reckoned on the First vertical Column on the Left Hand of the Table, and the Length of the Wall on the corresponding horizontal Column. The Thickness of the Wall in each Story is given in Inches, and begins with the Wall from the Base upwards.

Qualification in case of certain Walls.

4. If any External or Party Wall, measured from Centre to Centre, is not more than Twenty-five Feet distant from any other External or Party Wall to which it is tied by the Beams of any Floor or Floors, other than the Ground Floor, or the Floor of any Story formed in the Roof, the Length of such Wall is not to be taken into consideration, and the Thickness of the Wall will be found in the Second vertical Column in the above Table.

Condition in respect of Stories exceeding a certain Height.

5. If any Story exceeds in Height Sixteen Times the Thickness prescribed for the Walls of such Story in the above Table, the Thickness of each External and Party Wall throughout such Story shall be increased to One Sixteenth Part of the Height of the Story; but any such additional Thickness may be confined to Piers properly distributed, of which the collective Widths amount to One Fourth Part of the Length of the Wall.

Restriction in case of certain Stories.

6. No Story enclosed with Walls less than Thirteen Inches in Thickness shall be more than Ten Feet in Height.

Stories exceeding Twenty-four Feet in Height.

7. Any Story in a Dwelling House more than Twenty-four Feet in Height may be regulated by the Rules herein-after given for Public Buildings, instead of by the foregoing Rules.

Thickness of Walls built of Materials other than such Bricks as aforesaid.

8. The Thickness of any Wall of a Dwelling House, if built of Materials other than such Bricks as aforesaid, shall be deemed to be sufficient if calculated by the Rules herein-after given for Public Buildings, and made Nine Elevenths of the Thickness required for the Wall of a Public Building of the same Dimensions.

Rule as to Buildings not being PublicBuildings or Buildings of the Warehouse Class.

9. All Buildings, excepting Public Buildings, and such Buildings as are herein-after defined to be Buildings of the Warehouse Class, shall, as respects the Thickness of their Walls, be subject to the Rules given for Dwelling Houses.

PART

PART III.

RULES FOR THE WALLS OF BUILDINGS OF THE WAREHOUSE CLASS.

Definition of Warehouse Class.

1. The Warehouse Class shall comprise all Warehouses, Manufactories, Breweries, and Distilleries.

Thickness at Base.

2. The External and Party Walls of Buildings of the Warehouse Class shall at the Base be made of the Thickness shown in the following Table, calculated for Walls up to One hundred Feet in Height, and supposed to be built of Bricks not less than Eight and a Half Inches and not more than Nine and a Half Inches in Length.

3. TABLE.

I.	II.	III.	IV.
Height up to 100 Feet.	Length up to 55 Feet. Base, 26 Inches.	Length up to 70 Feet. Base, 30 Inches.	Length unlimited. Base, 34 Inches.
Height up to 90 Feet.	Length up to 60 Feet. Base, 26 Inches.	Length up to 70 Feet. Base, 30 Inches.	Length unlimited. Base, 34 Inches.
Height up to 80 Feet.	Length up to 45 Feet. Base, 21½ Inches.	Length up to 60 Feet. Base, 26 Inches.	Length unlimited. Base, 30 Inches.
Height up to 70 Feet.	Length up to 30 Feet. Base, 17½ Inches.	Length up to 45 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 60 Feet.	Length up to 35 Feet. Base, 17½ Inches.	Length up to 50 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 50 Feet.	Length up to 40 Feet. Base, 17½ Inches.	Length up to 70 Feet. Base, 21½ Inches.	Length unlimited. Base, 26 Inches.
Height up to 40 Feet.	Length up to 30 Feet. Base, 13 Inches.	Length up to 60 Feet. Base, 17½ Inches.	Length unlimited. Base, 21½ Inches.
Height up to 30 Feet.	Length up to 45 Feet. Base, 13 Inches.	Length unlimited. Base, 17½ Inches.	
Height up to 25 Feet.	Length unlimited. Base 13 Inches.		

Explanation of Table.

4. The above Table is to be used in the same Manner as the Table previously given for the Walls of Dwelling Houses, and is subject to the same Qualifications and Conditions respecting Walls not more than Twenty-five Feet distant from each other.

Thickness at Top of Walls and through Intermediate Space.

5. The Thickness of the Walls of Buildings of the Warehouse Class at the Top, and for Sixteen Feet below the Top, shall be Thirteen Inches; and the intermediate Parts of the Wall between the Base and such Sixteen Feet below the Top shall be built solid throughout the Space between straight Lines drawn on each Side of the Wall, and joining the Thickness at the Base to the Thickness at Sixteen Feet below the Top, as above determined; nevertheless in Walls not exceeding Thirty Feet in Height the Walls of the topmost Story may be Eight Inches and a Half Thick.

Condition in respect of Stories exceeding a certain Height.

6. If in any Story of a Building of the Warehouse Class the Thickness of the Wall, as determined by the Rules herein-before given, is less than One Fourteenth Part of the Height of such Story, the Thickness of the Wall shall be increased to One Fourteenth Part of the Height of the Story; but any such additional Thickness may be confined to Piers properly distributed, of which the collective Widths amount to One Fourth Part of the Length of the Wall.

Thickness of Walls built of Materials other than such Bricks as aforesaid.

7. The Thickness of any Wall of a Building of the Warehouse Class, if built of Materials other than such Bricks as aforesaid, shall be deemed to be sufficient if calculated by the Rules herein-after given for Public Buildings, and made Nine Tenths of the Thickness required for the Wall of a Public Building of the same Dimensions.

PART IV.

PUBLIC BUILDINGS.

Thickness at Base.

1. The External and Party Walls of Public Buildings shall at the Base be made of the Thickness required by the following Rule; that is to say,

Rule.

Rule.

2. Multiply the Height of the Wall by its Length, and divide the Product by Eighteen Times the Length of the Diagonal of a Rectangle of which one Side is the Height of the Wall and the other Side the Length.

Qualifications of Rule.

3. The above Rule shall be subject to the following Qualifications; that is to say,

a. No Wall in any Part shall be less than Thirteen Inches thick:

b. No Wall at the Base shall be of less Thickness than One Fortieth Part of its Height:

c. The Length shall not be taken into consideration when it exceeds twice the Height, but every Wall of which the Length exceeds twice its Height shall have at the Base a Thickness of One Twentieth Part of such Height:

4. In

4. In the Case of every Wall upon which the Roof of such Public Building rests, if such Building contains any Story more than Twenty Feet in Height, and if at the same Time the clear Span of the Roof is greater than Thirty Feet, add to the Thickness at the Base of the Wall as obtained from the above Rules One Fortieth Part of the Excess of such Span of Roof over and above Thirty Feet. **Extra Thickness when Span of Roof exceeds Thirty Feet.**

5. The Thickness of the Wall of every Story exceeding Twenty Feet in Height shall at the Level of its Floor be at the least One Thirtieth Part of the Height of the Story, and no such Wall shall be less than Seventeen and a Half Inches thick. **Extra Thickness in certain Stories.**

6. The Thickness of every Wall at the Top, or at the under Side of any Tie Beam resting on such Wall, shall be Two Thirds of the Thickness of the Wall at its Base. **Thickness at Top of Wall.**

7. The intermediate Parts of the Wall between the Base and the Top thereof shall be built solid throughout the Space between straight Lines drawn on each Side of the Wall, and joining the Thickness at the Base to the Thickness at the Top, as herein-before defined. **Thickness at intermediate Parts.**

8. Where there is any Tie Beam or other Tie resting on the Wall, any Parapet or Gable Wall may be Thirteen Inches thick, reckoned from the under Side of such Tie. **Parapets and Gable Walls.**

9. Notwithstanding anything contained herein, any Public Building of which no Story exceeds Twenty Feet in Height may be built according to the Rules herein-before given for Dwelling Houses. **Saving Clause as to Public Buildings.**

MISCELLANEOUS.

1. The Thickness of a Cross Wall shall be Two Thirds of the Thickness herein-before required for an External or Party Wall of the same Dimensions, but never less than Eight and a Half Inches ; and no Wall subdividing any Building shall be deemed to be a Cross Wall unless it is carried up to Two Thirds of the Height of the External or Party Walls, and unless the Recesses and Openings therein do not exceed One Half of the vertical Surface of the Wall in each Story. **Cross Walls.**

2. The Thickness of every Stone Wall in which the Beds of the Masonry are not laid horizontally shall be One Third greater than the Thickness prescribed in the Rules aforesaid. **Extra Thickness of certain Stone Walls.**

3. Buildings to which the preceding Rules are inapplicable require the special Sanction of the Metropolitan Board of Works.

SECOND SCHEDULE.

FEES PAYABLE TO DISTRICT SURVEYORS.

PART I.

Fees for new Buildings.

	s.	*d.*
For every Building not exceeding Four hundred Square Feet in Area, and not more than Two Stories in Height	30	0
For every additional Story	5	0
For every additional Square of 100 Feet or Fraction of such Square	2	6

But no Fee shall exceed Ten Pounds.

And for every Building not exceeding Four hundred Square Feet in Area, and of One Story only in Height, the Fees shall be	15	0

Fees for Additions or Alterations.

For every Addition or Alteration made to any Building after the Roof thereof has been covered in, the Fee shall be Half of the Fee charged in the Case of a new Building.

For inspecting the Arches or Stone Floors over public Ways	10	0
For inspecting the Formation of Openings in Party Walls	10	0

PART II.

For inspecting dangerous Structures, by Direction of the Local Authority	20	0

PART III.

For Surveys made at Request of Building Owner or Adjoining Owner the Fees shall be the same as those charged for new Buildings.

N.B.—In this Schedule "Area" shall include the Area of any attached Building.

Metropolitan Buildings.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Laws relating to the Construction of Buildings in the Metropolis and its Neighbourhood.

(*Prepared and brought in by Sir William Molesworth and the Lord Advocate.*)

Ordered, by The House of Commons, *to be Printed,*
22 *June* 1855.

[Bill 189.]

Under 7 *oz.*

Militia Bill.

ARRANGEMENT OF CLAUSES.

Her Majesty empowered to accept the voluntary Offers of the Militia to serve out of the United Kingdom; Sect. 1.

Bounty to Persons making voluntary Offer; Oath; Enrolment; 2.

Commanding Officers shall explain that the Offer is to be voluntary; 3.

The Services of Three Field Officers may be accepted with 900 Men, Two Field Officers with 600 Men, and One with 300, &c., and Proportion of other Officers according to the Establishment; 4.

Her Majesty may form the Militia for extended Service into such Provisional Regiments or Battalions as She may think fit. Power of appointing Field Officers to Provisional Regiments; 5.

Provisions for Cases where Field Officers volunteer, and Militia Officers are appointed to higher Ranks; 6.

No Militia Officer to rank higher than as a Lieutenant-Colonel; 7.

In case sufficient Officers do not volunteer, Her Majesty may appoint Officers; 8.

Her Majesty may supply Vacancies; 9.

Extended Service to entitle Officers to Half Pay. Pensions to Widows of Officers killed on Service; 10.

Militia on extended Service subject to Mutiny Act as Regulars, and Militia Officers and Officers of Regular Forces to sit indiscriminately on Courts Martial; 11.

To continue Militia, and remain subject to Militia Regulations, except as particularly provided; 12.

Regulations may be made for retaining Officers on the Establishment of the Militia after Expiration of extended Service; 13.

Her Majesty may make Regulations for retaining Officers, Non-commissioned Officers, and Drummers as Supernumeraries; 14.

Act to extend to the Miners of Cornwall and Devon; 15.

Interpretation of Channel Islands; 16.

A

BILL

TO

Enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is important that effectual Measures should be adopted for the vigorous Prosecution of the War, and it is therefore expedient that Her Majesty should be empowered to accept any Offers of the Militia for such extended Service as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for Her Majesty to accept the Services, and to employ in any Parts or Places out of the United Kingdom, under the Regulations and Restrictions specified in this Act, such of the Militia raised or to be raised in any Part of the United Kingdom as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty Her Majesty empowered to accept the voluntary Offers of the Militia to serve out of the United Kingdom.

Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty, by any Order signed by One of Her Principal Secretaries of State, or by the Lord Lieutenant or other Chief Governor or Governors of Ireland, or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of such Militia, to propose to such Regiment, Battalion, or Corps, or any Part or Parts thereof, to extend their Services to any Parts or Places out of the United Kingdom to be specified in such Order, under such Rules and Regulations as Her Majesty may think fit to appoint.

Bounty to Persons making voluntary Offer.

II. It shall be lawful for Her Majesty to direct that such Bounty as shall from Time to Time be fixed by the Secretary at War shall be allowed to every Non-commissioned Officer, Drummer, and Private Man who shall make such voluntary Offer as aforesaid; and every Non-commissioned Officer, Drummer, and Private Man making such voluntary Offer as aforesaid shall take the following Oath; videlicet,

Oath.

'I A.B. do sincerely promise and swear, That I will be faithful and 'bear true Allegiance to Her Majesty Queen Victoria, and that 'I will faithfully serve in the Militia in [this Blank to be filled up 'according to the Terms of the extended Service], during the 'Remainder of the War, and until the Expiration of Six Months 'after the Termination thereof, to be reckoned from the Ratification 'of any Definitive Treaty of Peace, unless I shall be sooner dis- 'charged.'

Enrolment.

And every Non-commissioned Officer, Drummer, and Private Man, making such voluntary Offer as aforesaid, and taking such Oath, shall be enrolled to serve in the Militia, according to the Terms of such Oath; and such several Enrolments shall take place, and such Oaths shall be administered, by the Officer commanding any Regiment, Battalion, or Corps of Militia, or by any Deputy Lieutenant or Justice of the Peace, at such Times and under such Regulations as Her Majesty, by any Order to be signed by the Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Secretary, shall in that Behalf direct; and every Non-commissioned Officer, Drummer, and Private Man so enrolled for extended Service in the Militia under the Provisions of this Act shall be entitled to his Discharge at the Expiration of the Period specified in such Oath, without regard to the Period for which he may have been enrolled to serve in the Militia under any other Act of Parliament.

III. No

III. No Person serving in the Militia shall be compelled to make such Offer, nor be engaged to serve out of the United Kingdom, except by his own Consent; and no Commanding Officer shall certify, according to this Act, any voluntary Offer, before he has explained to the Person offering to serve that the Offer is to be purely voluntary.

Commanding Officers shall explain that the Offer is to be voluntary.

IV. It shall be lawful for Her Majesty to accept the Services of *Three* Field Officers of any Regiment of Militia, in which Nine hundred Private Men shall offer to extend their Services under this Act; and of *Two* Field Officers of any Regiment, Battalion, or Corps of Militia, in which Six hundred Private Men shall so offer to extend their Services; and of *One* Field Officer of any Regiment, Battalion, or Corps of Militia, in which Three hundred Private Men, or Three Fourths of the Number of Private Men actually serving in such Regiment, Battalion, or Corps, shall so offer to extend their Services; and in the Cases in which such Proportion of Field Officers of any Regiments, Battalions, or Corps of Militia, from which such Numbers of Men respectively shall so volunteer as aforesaid, shall not offer to extend their Services with such Men, it shall be lawful for Her Majesty to give the Rank of Field Officers to any Captains in such Regiments, Battalions, or Corps of Militia respectively, who may offer to extend their Services with such Men; and it shall also be lawful for Her Majesty to accept the Services of such Proportion of other Officers, Non-commissioned Officers, and Drummers, with any such Numbers of Private Men, as shall be allowed to such Numbers of Men respectively in the Establishment of the Regiment, Battalion, or Corps to which they respectively belong.

The Services of Three Field Officers may be accepted with 900 Men, Two Field Officers with 600 Men, and One with 300, &c., and Proportion of other Officers according to the Establishment.

V. It shall be lawful for Her Majesty from Time to Time to form the Officers, Non-commissioned Officers, Drummers, and Private Men who shall so extend their Services from the Regiments, Battalions, or Corps of Militia, into such Provisional Regiments or Battalions as may be deemed most expedient for Her Majesty's Service; and it shall be lawful for Her Majesty to appoint any such Number of Officers of Her regular Forces or Militia as Her Majesty may think fit to serve during any Period of extended Service of the Militia out of the United Kingdom as Field Officers in such Provisional Regiments or Battalions of Militia, in addition to the Officers of the Militia allowed to volunteer for extended Service, in proportion to the Number of Men who shall extend their Service; and all Persons so appointed to serve as Field Officers in any such Provisional Regiments or Battalions shall rank as Field Officers therein, in such Manner as Her Majesty shall direct.

Her Majesty may form the Militia for extended Service into such Provisional Regiments or Battalions as She may think fit.

Power of appointing Field Officers to Provisional Regiments.

Provisions for Cases where Field Officers volunteer and Militia Officers are appointed to higher Ranks.

VI. Provided always, That in every Case in which a Field Officer of Militia shall have volunteered for extended Service, the Officer having the chief Command in the Provisional Battalion shall be a Field Officer of Militia: Provided also, that all Officers of Militia appointed by Her Majesty to serve in any Provisional Battalion with higher Rank than that which they previously held in the Militia shall be deemed and taken to be Militia Officers of such higher Rank for the Purposes of this Act, and as such shall be capable of commanding such Provisional Battalion.

No Militia Officer to rank higher than Lieutenant Colonel.

VII. Provided also, That no Officer of the Militia shall, while out of the United Kingdom upon any such extended Service, rank with the Officers of Her Majesty's Regular Forces higher than as a Lieutenant-Colonel of the Militia.

In case sufficient Officers do not volunteer, Her Majesty may appoint Officers.

VIII. In any Case in which the Number of Officers of each Rank so volunteering to extend their Services, and accepted by Her Majesty, shall not be in due Proportion to the Number of Men so volunteering, it shall be lawful for Her Majesty to appoint any fit Persons to be Officers in such Provisional Battalions of Militia, without regard to the Qualifications required by Law for such Officers in the Militia; but no Person so appointed by Her Majesty shall hold a Commission in any such Provisional Battalion of higher Rank than that of a Subaltern, unless he shall at the Time of such Appointment have been an Officer in Her Majesty's Regular Forces or Militia.

Her Majesty may supply Vacancies.

IX. It shall be lawful for Her Majesty from Time to Time to supply any Vacancies which may occur in Provisional Battalions of Militia in consequence of the Death, Resignation, or Dismissal of Officers appointed by Her under this Act; but nothing herein contained shall be construed to affect the Appointment of Officers as by Law established in any Case of Vacancy which may occur in consequence of the Death, Resignation, or Dismissal of any Militia Officer who may have volunteered for extended Service.

Extended Service to entitle Officers to Half Pay.

Pensions to Widows of Officers killed on Service.

X. All Commissioned Officers of the Militia who shall have served on extended Service under this Act shall be entitled to Pension for Wounds according to the Ranks in which they shall have actually served, in like Manner and under such and the like Circumstances as Officers of Her Majesty's Regular Forces; and the Widows of all such Commissioned Officers killed in such extended Service shall be entitled to receive such Pensions for Life as are given to Widows of Her Majesty's Regular Forces.

XI. All

Militia on extended Service subject to Mutiny Act as Regulars, and Militia Officers and Officers of Regular Forces to sit indiscriminately on Courts Martial.

XI. All Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia extending their Services under this Act shall, upon leaving the United Kingdom upon such extended Service, and during such Service until their Return to the United Kingdom, be subject to all the Laws in force for the Punishment of Mutiny and Desertion, in like Manner in every respect as Her Majesty's Regular Forces; and all Officers of Her Majesty's Regular Forces shall be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia, while so serving out of the United Kingdom under this Act; and all Officers of the Militia shall during such extended Service be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, or Soldier of Her Majesty's Regular Forces.

To continue Militia, and remain subject to Militia Regulations, except as particularly provided.

XII. Provided always, That all the Militia enrolled and formed for extended Service under this Act shall, notwithstanding such Extension of Service, remain subject to all the Provisions and Regulations in force in relation to the Militia to which they shall respectively belong, except in such Cases as are in this Act particularly specified.

Regulations may be made for retaining Officers on the Establishment of the Militia after Expiration of extended Service.

XIII. It shall be lawful for Her Majesty, from Time to Time, to make such Regulations as Her Majesty may deem expedient for retaining, at the Expiration of any extended Service out of the United Kingdom, any Field Officers, Captains, or other Officers of Militia who have actually served upon any such extended Service in any higher Ranks than those in which they volunteered their Services, either as Supernumeraries or otherwise, upon the Establishment of the Militia to which they belonged, with the Rank in which they have so actually served, or upon such other Terms in respect to Rank and Service in the Militia as Her Majesty may think fit.

Her Majesty may make Regulations for retaining Officers, Non-commissioned Officers, and Drummers as Supernumeraries.

XIV. It shall be lawful for Her Majesty from Time to Time to make such Regulations as Her Majesty may deem most expedient for the retaining upon the Establishment of the Militia to which they belong, as Supernumeraries or otherwise, any Officers, Non-commissioned Officers, and Drummers of any Regiment, Battalion, or Corps of Militia who may not so volunteer to extend their Services, or may not be so employed upon such extended Service.

Act to extend to the Miners of Cornwall and Devon.

XV. The Provisions of this Act shall be construed to extend to the Regiment of Miners of Cornwall and Devon in like Manner and as fully and effectually to all Intents and Purposes as to any Regiment of Militia.

Interpretation of Channel Islands.

XVI. In the Construction of this Act the Expression "the Channel Islands" shall mean Jersey, Guernsey, Alderney, and Sark, and the Isle of Man and the Islands thereto respectively belonging.

A

B I L L

To enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

(Prepared and brought in by Lord Palmerston and Mr. Secretary-at-War).

Ordered, by The House of Commons, *to be Printed,* 13 *December* 1854.

[Bill 1.] *Under* 1 *oz.*

Militia Bill.

[AS AMENDED BY THE COMMITTEE].

ARRANGEMENT OF CLAUSES.

Her Majesty empowered to accept the voluntary Offers of the Militia to serve out of the United Kingdom ; Sect. 1.

Bounty to Persons making voluntary Offer; Oath; Enrolment ; 2.

Commanding Officers shall explain that the Offer is to be voluntary ; 3.

The Services of Three Field Officers may be accepted with 900 Men, Two Field Officers with 600 Men, and One with 300, &c., and Proportion of other Officers according to the Establishment ; 4.

Her Majesty may form the Militia for extended Service into such Provisional Regiments or Battalions as She may think fit. Power of appointing Field Officers to Provisional Regiments ; 5.

Provisions for Cases where Field Officers volunteer, and Militia Officers are appointed to higher Ranks ; 6.

No Militia Officer to rank higher than as a Lieutenant-Colonel ; 7.

In case sufficient Officers do not volunteer, Her Majesty may appoint Officers ; 8.

Her Majesty may supply Vacancies ; 9.

Militia on extended Service subject to Mutiny Act as Regulars, and Militia Officers and Officers of Regular Forces to sit indiscriminately on Courts Martial ; 10.

To continue Militia, and remain subject to Militia Regulations, except as particularly provided ; 11.

Regulations may be made for retaining Officers on the Establishment of the Militia after Expiration of extended Service ; 12.

Her Majesty may make Regulations for retaining Officers, Non-commissioned Officers, and Drummers as Supernumeraries ; 13.

(Clause A.) Subalterns after Five Years may be Captains without Qualifications ; 14.

(Clause B.) Notices sent by Post to be good ; 15.

Act to extend to the Miners of Cornwall and Devon ; 16.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

[*The Clauses marked* A. *and* B. *were added by the Committee.*]

WHEREAS it is important that effectual Measures should be adopted for the vigorous Prosecution of the War, and it is therefore expedient that Her Majesty should be empowered to accept any Offers of a Proportion of the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia of the United Kingdom for such extended Service as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for Her Majesty to accept the Services, and to employ in any Parts or Places out of the United Kingdom, under the Regulations and Restrictions specified in this Act, such Part of the Militia raised or to be raised in any Part of the United Kingdom, not exceeding in any Case Three Fourths of the actual Establishment of any Regiment, Battalion, or Corps of any such Militia, Her Majesty empowered to accept the voluntary Offers of the Militia to serve out of the United Kingdom.

Militia, as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty, by any Order signed by One of Her Principal Secretaries of State, or by the Lord Lieutenant or other Chief Governor or Governors of Ireland, or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of such Militia, to propose to such Regiment, Battalion, or Corps, or any Part or Parts thereof, to extend their Services to any Parts or Places out of the United Kingdom to be specified in such Order, under such Rules and Regulations as Her Majesty may think fit to appoint.

Bounty to Persons making voluntary Offer.

II. It shall be lawful for Her Majesty to direct that such Bounty as shall from Time to Time be fixed by the Secretary at War shall be allowed to every Non-commissioned Officer, Drummer, and Private Man who shall make such voluntary Offer as aforesaid; and every Non-commissioned Officer, Drummer, and Private Man making such voluntary Offer as aforesaid shall take the following Oath; videlicet,

Oath.

'I A.B. do sincerely promise and swear, That I will be faithful and 'bear true Allegiance to Her Majesty Queen Victoria, and that 'I will faithfully serve in the Militia for the Term of Five Years, 'in [*this Blank to be filled up according to the Name of the Place 'or Places to which the Offer of the extended Service applies*], 'unless I shall be sooner discharged.

Enrolment.

And every Non-commissioned Officer, Drummer, and Private Man, making such voluntary Offer as aforesaid, and taking such Oath, shall be enrolled to serve in the Militia, according to the Terms of such Oath; and such several Enrolments shall take place, and such Oaths shall be administered, by the Officer commanding any Regiment, Battalion, or Corps of Militia, or by any Deputy Lieutenant or Justice of the Peace, at such Times and under such Regulations as Her Majesty, by any Order to be signed by the Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of Ireland, or his or their Secretary, shall in that Behalf direct; and every Non-commissioned Officer, Drummer, and Private Man so enrolled for extended Service in the Militia under the Provisions of this Act shall be entitled to his Discharge at the Expiration of the Period specified in such Oath, without regard to the Period for which he may have been enrolled to serve in the Militia under any other Act of Parliament.

III. No

III. No Person serving in the Militia shall be compelled to make such Offer, nor be engaged to serve out of the United Kingdom, except by his own Consent; and no Commanding Officer shall certify, according to this Act, any voluntary Offer, before he has explained to each Person offering to serve that the Offer is to be purely voluntary.

Commanding Officers shall explain that the Offer is to be voluntary.

IV. It shall be lawful for Her Majesty to accept the Services of Three Field Officers of any Regiment of Militia, in which Nine hundred Private Men shall offer to extend their Services under this Act; and of Two Field Officers of any Regiment, Battalion, or Corps of Militia, in which Six hundred Private Men shall so offer to extend their Services; and of One Field Officer of any Regiment, Battalion, or Corps of Militia, in which Three hundred Private Men, or any smaller Number not being less than Three Fourths of the Number of Private Men actually serving in such Regiment, Battalion, or Corps, shall so offer to extend their Services; and in the Cases in which such Proportion of Field Officers of any Regiments, Battalions, or Corps of Militia, from which such Numbers of Men respectively shall so volunteer as aforesaid, shall not offer to extend their Services with such Men, it shall be lawful for Her Majesty to give the Rank of Field Officers to any Captains in such Regiments, Battalions, or Corps of Militia respectively, who may offer to extend their Services with such Men; and it shall also be lawful for Her Majesty to accept the Services of such Proportion of other Officers, Non-commissioned Officers, and Drummers, with any such Numbers of Private Men, as shall be allowed to such Numbers of Men respectively in the Establishment of the Regiment, Battalion, or Corps to which they respectively belong.

The Services of Three Field Officers may be accepted with 900 Men, Two Field Officers with 600 Men, and One with 300, &c., and Proportion of other Officers according to the Establishment.

V. It shall be lawful for Her Majesty from Time to Time to form the Officers, Non-commissioned Officers, Drummers, and Private Men who shall so extend their Services from the Regiments, Battalions, or Corps of Militia, into such Provisional Regiments or Battalions as may be deemed most expedient for Her Majesty's Service; and it shall be lawful for Her Majesty to appoint any such Number of Officers of Her regular Forces or Militia as Her Majesty may think fit to serve during any Period of extended Service of the Militia out of the United Kingdom as Field Officers in such Provisional Regiments or Battalions of Militia, in addition to the Officers of the Militia allowed to volunteer for extended Service, in proportion to the Number of Men who shall extend their Service; and all Persons so appointed to serve as Field Officers in any such Provisional Regiments or Battalions shall rank as Field Officers therein, in such Manner as Her Majesty shall direct.

Her Majesty may form the Militia for extended Service into such Provisional Regiments or Battalions as She may think fit.

Power of appointing Field Officers to Provisional Regiments.

Provisions for Cases where Field Officers volunteer and Militia Officers are appointed to higher Ranks.

VI. Provided always, That in every Case in which a Field Officer of Militia shall have volunteered for extended Service, the Officer having the chief Command in the Provisional Battalion shall be a Field Officer of Militia: Provided also, that all Officers of Militia appointed by Her Majesty to serve in any Provisional Battalion with higher Rank than that which they previously held in the Militia shall be deemed and taken to be Militia Officers of such higher Rank for the Purposes of this Act, and as such shall be capable of commanding such Provisional Battalion.

No Militia Officer to rank higher than Lieutenant Colonel.

VII. Provided also, That no Officer of the Militia shall, while out of the United Kingdom upon any such extended Service, rank with the Officers of Her Majesty's Regular Forces higher than as a Lieutenant-Colonel of the Militia.

In case sufficient Officers do not volunteer, Her Majesty may appoint Officers.

VIII. In any Case in which the Number of Officers of each Rank so volunteering to extend their Services, and accepted by Her Majesty, shall not be in due Proportion to the Number of Men so volunteering, it shall be lawful for Her Majesty to appoint any fit Persons to be Officers in such Provisional Battalions of Militia, without regard to the Qualifications required by Law for such Officers in the Militia; but no Person so appointed by Her Majesty shall hold a Commission in any such Provisional Battalion of higher Rank than that of a Subaltern, unless he shall at the Time of such Appointment have been an Officer in Her Majesty's Regular Forces or Militia.

Her Majesty may supply Vacancies.

IX. It shall be lawful for Her Majesty from Time to Time to supply any Vacancies which may occur in Provisional Battalions of Militia in consequence of the Death, Resignation, or Dismissal of Officers appointed by Her under this Act; but nothing herein contained shall be construed to affect the Appointment of Officers as by Law established in any Case of Vacancy which may occur in consequence of the Death, Resignation, or Dismissal of any Militia Officer who may have volunteered for extended Service.

Militia on extended Service subject to Mutiny Act as Regulars, and Militia Officers and Officers of Regular Forces to sit indiscriminately on Courts Martial.

X. All Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia extending their Services under this Act shall, upon leaving the United Kingdom upon such extended Service, and during such Service until their Return to the United Kingdom, be subject to all the Laws in force for the Punishment of Mutiny and Desertion, in like Manner in every respect as Her Majesty's Regular Forces; and all Officers of Her Majesty's Regular Forces shall be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, Drummer, or Private Man of the Militia, while so serving out of the United Kingdom under this Act; and all Officers of the Militia shall during such extended Service

Service be entitled to sit in any Court Martial upon the Trial of any Officer, Non-commissioned Officer, or Soldier of Her Majesty's Regular Forces.

To continue Militia, and remain subject to Militia Regulations, except as particularly provided.

XI. Provided always, That all the Militia enrolled and formed for extended Service under this Act shall, notwithstanding such Extension of Service, remain subject to all the Provisions and Regulations in force in relation to the Militia to which they shall respectively belong, except in such Cases as are in this Act particularly specified.

Regulations may be made for retaining Officers on the Establishment of the Militia after Expiration of extended Service.

XII. It shall be lawful for Her Majesty, from Time to Time, to make such Regulations as Her Majesty may deem expedient for retaining, at the Expiration of any extended Service out of the United Kingdom, any Field Officers, Captains, or other Officers of Militia who have actually served upon any such extended Service in any higher Ranks than those in which they volunteered their Services, either as Supernumeraries or otherwise, upon the Establishment of the Militia to which they belonged, with the Rank in which they have so actually served, or upon such other Terms in respect to Rank and Service in the Militia as Her Majesty may think fit.

Her Majesty may make Regulations for retaining Officers, Non-commissioned Officers, and Drummers as Supernumeraries.

XIII. It shall be lawful for Her Majesty from Time to Time to make such Regulations as Her Majesty may deem most expedient for the retaining upon the Establishment of the Militia to which they belong, as Supernumeraries or otherwise, any Officers, Non-commissioned Officers, and Drummers of any Regiment, Battalion, or Corps of Militia who may not so volunteer to extend their Services, or may not be so employed upon such extended Service.

CLAUSE A.
Subalterns after 5 Years may be Captains without Qualifications.

XIV. And whereas it is expedient that the Law respecting the Property Qualification of Captains in the Militia should be amended; be it enacted, That any Person who shall have served as a Subaltern in the Militia for Five consecutive Years may, without any Property Qualification, be appointed a Captain in the Militia, any Act of Parliament to the contrary notwithstanding; provided that such Five Years of Service of such Person as a Subaltern as aforesaid shall be the Five Years immediately preceding his Appointment to the Rank of Captain.

CLAUSE B.
Notices sent by Post to be good.

XV. Whereas by the Fourth Section of the Act of the Seventeenth Year of the Reign of Queen Victoria, Chapter Thirteen, it is amongst other Things provided, that in the Case of drawing out and embodying the Militia in England, or any Part thereof, under the Authority of that Act, the Notices to the Militia Men to attend at the Time and Place mentioned in the Order of Her Majesty for drawing out and embodying the Regiment, Battalion, or Corps to which they belong, shall be sent by the Colonel or Commanding Officer of such Regiment,

Battalion, or Corps, by the Post, to the Residences of the several Men as stated on their Attestations, or as subsequently certified by them, and such Notices shall be sufficient in all respects: And whereas it has been found inconvenient to name in the Order of Her Majesty the precise Day and Place for the assembling of that Part of the Militia to which it refers; be it declared and enacted, That the Notices so sent and to be sent by the Post to the several Men, as by the said lastly above-recited Act is directed, are and shall be good and sufficient in all respects, if they specify the Day and Place which have actually been fixed by the Lord Lieutenant of the County or other Person acting in his Stead for the Meeting of the Regiment, Battalion, or Corps to which they refer, whether such Day and Place be mentioned in Her Majesty's Order for drawing out and embodying the same or not.

Act to extend to the Miners of Cornwall and Devon.

XVI. The Provisions of this Act shall be construed to extend to the Regiment of Miners of Cornwall and Devon in like Manner and as fully and effectually to all Intents and Purposes as to any Regiment of Militia.

Militia.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To enable Her Majesty to accept the Services of the Militia out of the United Kingdom, for the vigorous Prosecution of the War.

(Prepared and brought in by Lord Palmerston and Mr. Secretary-at-War).

Ordered, by The House of Commons, *to be Printed,* 18 *December* 1854.

[Bill 5.] *Under* 1 *oz.*

30 *April* 1855. 18 Vict.

(No. 2.)

A

BILL

FURTHER

To amend the Laws relating to the Militia in England.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State may enlarge Time for Appointment of Persons to apportion Contribution between County and Borough, and for making Award.

I. It shall be lawful for One of Her Majesty's Principal Secretaries of State, if he see fit, upon the Memorial of the Justices of the Peace of any County at their General or Quarter Sessions assembled or of the Council of any Borough, to enlarge the Time within which such Justices or Council are required respectively to appoint Two Justices and Two Members of Council under Section Twelve of the Militia Law Amendment Act, 1854, and where Justices and Members of Council have been duly appointed under such Act or within any enlarged Time granted under this Act, it shall be lawful for such Secretary of State, if he see fit, upon the like Memorials of the Justices of the County at their General or Quarter Sessions assembled, and of the Council of the Borough, on behalf of which County and Borough respectively Justices and Members of Council have been appointed, to enlarge the Time within which they are required to make their Award under the said Act.

Where the Poor Rate in the County and Borough is not assessed upon a uniform Principle, the Proportions of Contribution may be adjusted without regard to the Poor Rate Valuation.

II. Where it appears to the Justices and Members of Council appointed under the Militia Law Amendment Act, 1854, or under such Act as amended by this Act, for the Purpose of determining and awarding the respective Proportions in which any County and Borough shall contribute to the Expenditure in the said Act mentioned, or to any Arbitrator duly appointed for the like Purpose, that the respective annual Values of the Property rateable to the Relief of the Poor as rated thereto in the County and Borough are not ascertained upon a uniform Principle of Valuation, so as to constitute a fair Basis upon which to calculate the Proportions in which the County and Borough should contribute as aforesaid, such Justices and Members of Council or Arbitrator (as the Case may be) may determine and award such respective Proportions according to what may appear to them or him to be the actual annual Values at which the Property rateable in the County and Borough respectively to the Relief of the Poor ought to be rated thereto, but without regard to the respective Values at which such Property is in fact so rated.

Boroughs situate in more than One County to contribute to each in proportion to the rateable Value of the Part within the same.

III. When any Borough is situate in more than One County, such Borough shall be liable to contribute to the Expenditure aforesaid in each such County, and the Proportions which such Borough shall contribute to such Expenditure in each such County shall be determined and awarded by Justices appointed for the County and Members of Council appointed for the Borough, or by an Arbitrator, in like Manner as in the Case of a Borough wholly within the County, but the Proportion to be contributed by the Borough shall be determined and awarded with reference to the Value of the Property rated to the Relief of the Poor within that Part only of the Borough which is situate in the County by which the Expenditure is incurred, and the Contributions so awarded shall be raised and paid in like Manner as if the whole Borough were within the County; but in case a Borough Rate be made for raising any such Contribution, or repaying any Money borrowed for the Purpose of such Contribution, or paying any Interest on any such Money or any Expenses incident to borrowing the same, such Rate shall be raised in that Part only of the Borough which is in the County to which the Contribution is required to be made.

In the County of Lincoln a Place to be provided for a Militia Storehouse by a Court of Sessions to be holden

IV. And whereas by the Militia Law Amendment Act, 1854, Provision is made as to the Proportions in which the several Divisions of the County of Lincoln shall contribute to the Expenditure incurred by the said County in respect to a Place for Militia Stores, but no Provision is thereby made for joint Action on the Part of such several Divisions in providing any such Place:

There

There shall be holden, from Time to Time as Occasion may require in the County of Lincoln, a Court of Session for the Purposes of this Act, of which all the Justices of the Peace of the said several Divisions shall be Members, and any Two of such Justices shall be able to hold such Court, and such Court shall be holden at the Place where the Gaol Sessions are ordinarily holden, and may be adjourned from Time to Time. in the same Manner as Gaol Sessions.

V. The Chairman and Clerk of the Court of Gaol Sessions for the said County shall be the Chairman and Clerk respectively of the Court of Sessions to be holden under this Act for the said County; and the Treasurer of the Monies applicable to the Repair of the County Gaol shall also be Treasurer to the said Court of Sessions; and such Court may allow to such Treasuer and Clerk respectively such Remuneration, out of the Monies to be received under this Act, for their Services thereunder, as to such Court may seem just. Chairman, Clerk, and Treasurer of Gaol Sessions to act under this Act.

VI. The said Clerk shall summon the Justices of the said several Divisions to meet in a Court of Sessions, to be holden as aforesaid within *Three* Months after the passing of this Act, by like Notice as in the Case of a Court of Gaol Sessions convened under Section Four of the Act of the Fifth Year of King George the Fourth, Chapter Twelve; and such Court of Sessions so summoned under this Act shall take into consideration any Representations already made to the Quarter Sessions for the said several Divisions of the Insecurity or Insufficiency of any Storehouse in use for the Service of any Militia of the said County, and also any Representation made to such Court under the said Militia Law Amendment Act, as amended by this Act, and do all necessary Acts for providing the requisite Premises for the Service of the Militia of the said County; and the said Clerk shall, upon any like Representation being transmitted to him at any Time hereafter, for the Purpose of being laid before a Court of Sessions for the said County to be holden under this Act, forthwith summon a Meeting of such Court of Sessions in manner herein-before mentioned, to be holden within *One Month* after the Receipt of such Representation, and shall also summon a Meeting of such Court on receiving a Precept commanding him so to do signed by Two Justices of any of the said Divisions. Provision for convening Court of Sessions.

VII. Every Court of Sessions for the County of Lincoln holden under this Act shall do all such Acts, and have all such Powers and Authorities, so far as the same are consistent with the said Militia Law Amendment Act and this Act, as the Justices of the Peace for any County in General or Quarter Sessions assembled are required to do or have under the said Militia Law Amendment Act, and such Act shall Sessions under this Act to have the Powers of Quarter Sessions under Militia Law Amendment Act, 1854.

shall be construed to apply to the Justices assembled at such Court of Sessions accordingly.

Payment by Treasurers of Divisions to Treasurer of Sessions.

VIII. The said Court of Sessions to be holden under this Act shall proceed in like Manner to obtain Payment to their Treasurer from the Treasurers of the several Divisions of the said County of the respective Proportions of the Expenses incurred or to be incurred by such Court under this Act, as such Proportions are fixed by the said Militia Law Amendment Act, in manner provided by the said Act of the Fifth Year of King George the Fourth, Chapter Twelve, for obtaining Payment to the Treasurer of the County Gaol, from the Treasurers of the said Divisions, of Money required to be raised for the Purposes of the Act therein recited or that Act.

Application of Money arising from Sale of any Storehouse in the said County.

IX. Any Money arising from the Sale and Disposition, under the Order of the said Court of Sessions holden under this Act, of any Place which may have been provided either before or after the passing of this Act for keeping the Stores of the Militia of the said County, shall be paid to the Treasurer of the said Court, and be applied for defraying the Expenses of the Execution by the said Court of the said Militia Law Amendment Act and this Act, and the Surplus, if any, of such Monies, shall be applied in aid of the County Rates raised in such several Divisions, in the Proportions in which they are required to contribute under the said Militia Law Amendment Act and this Act to the Expenditure herein-before mentioned.

Borough to include any City or Town although a County of itself.

X. In the Construction of the Militia Law Amendment Act, 1854, and of this Act, the Word "Borough" shall mean any City, Borough, Port, or Town Corporate named in either of the Schedules (A.) and (B.) to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "To "provide for the Regulation of Municipal Corporations in England "and Wales," or to which the Powers and Provisions of that Act have been or may be extended, notwithstanding any such City, Borough, or Town may be a County of itself.

Militia.

(No. 2.)

A

BILL

Further to amend the Laws relating to the Militia in England.

(*Prepared and brought in by Mr. Peel and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 30 *April* 1855.

[Bill 100.]

Under 1 *oz.*

(No. 2.)

A

B I L L

[AS AMENDED IN COMMITTEE]

FURTHER

To amend the Laws relating to the Militia in England.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State may enlarge Time for Appointment of Persons to apportion Contribution between County and Borough, and for making Award.

I. It shall be lawful for One of Her Majesty's Principal Secretaries of State, if he see fit, upon the Memorial of the Justices of the Peace of any County at their General or Quarter Sessions assembled or of the Council of any Borough, to enlarge the Time within which such Justices or Council are required respectively to appoint Two Justices and Two Members of Council under Section Twelve of the Militia Law Amendment Act, 1854, and where Justices and Members of Council have been duly appointed under such Act or within any enlarged Time granted under this Act, it shall be lawful for such Secretary of State, if he see fit, upon the like Memorials of the Justices of the County at their General or Quarter Sessions assembled, and of the Council of the Borough, on behalf of which County and Borough respectively Justices and Members of Council have been appointed, to enlarge the Time within which they are required to make their Award under the said Act.

Where the Poor Rate in the County and Borough is not assessed upon a uniform Principle, the Proportions of Contribution may be adjusted without regard to the Poor Rate Valuation.

II. Where it appears to the Justices and Members of Council appointed under the Militia Law Amendment Act, 1854, or under such Act as amended by this Act, for the Purpose of determining and awarding the respective Proportions in which any County and Borough shall contribute to the Expenditure in the said Act mentioned, or to any Arbitrator duly appointed for the like Purpose, that the respective annual Values of the Property rateable to the Relief of the Poor as rated thereto in the County and Borough are not ascertained upon a uniform Principle of Valuation, so as to constitute a fair Basis upon which to calculate the Proportions in which the County and Borough should contribute as aforesaid, such Justices and Members of Council or Arbitrator (as the Case may be) may determine and award such respective Proportions according to what may appear to them or him to be the actual annual Values at which the Property rateable in the County and Borough respectively to the Relief of the Poor ought to be rated thereto, but without regard to the respective Values at which such Property is in fact so rated; and all Extra-parochial Places within Boroughs shall be rated in respect of the Expenditure under this Act in the same Manner as such Places are rated in respect to County Rates.

Boroughs situate in more than One County to contribute to each in proportion to the rateable Value of the Part within the same.

III. When any Borough is situate in more than One County, such Borough shall be liable to contribute to the Expenditure aforesaid in each such County, and the Proportions which such Borough shall contribute to such Expenditure in each such County shall be determined and awarded by Justices appointed for the County and Members of Council appointed for the Borough, or by an Arbitrator, in like Manner as in the Case of a Borough wholly within the County, but the Proportion to be contributed by the Borough shall be determined and awarded with reference to the Value of the Property rated to the Relief of the Poor within that Part only of the Borough which is situate in the County by which the Expenditure is incurred, and the Contributions so awarded shall be raised and paid in like Manner as if the whole Borough were within the County; but in case a Borough Rate be made for raising any such Contribution, or repaying any Money borrowed for the Purpose of such Contribution, or paying any Interest on any such Money or any Expenses incident to borrowing the same, such Rate shall be raised in that Part only of the Borough which is in the County to which the Contribution is required to be made: Provided always, that this Enactment shall not apply to the City or County of the City of Bristol, but the said City and County shall contribute to the Expenditure aforesaid in the County of Gloucester, as if wholly situate in such County: Provided also, that this Enactment shall not affect the Provision in Section Twenty-five of the Militia Law Amendment

ment Act, 1854, concerning the City of Lincoln and Borough of Stamford.

IV. The foregoing Provisions concerning Boroughs shall apply to all Franchises, Liberties, and Places not being by Law liable to the Payment of County Rates made for the County at large, and the Expressions "Borough," "Council," "Members of Council," and "Borough Rate," shall respectively be construed as including any such Franchise, Liberty, or Place, the Justices, Mayor, or Municipal Officer authorized under Section Twenty-nine of the Militia Law Amendment Act, 1854, to appoint Two Justices or Persons to act on behalf of such Franchise, Liberty, or Place, the Justices or Persons so appointed, and the Liberty Rate or other local Rate in the Nature of a County Rate leviable in such Franchise, Liberty, or Place.

CLAUSE A. Foregoing Provisions to extend to Franchises.

V. And whereas by reason of there being no General Quarter Sessions of the Peace held for the County of Lincoln at large, it is expedient that further Provision be made for executing the Militia Law Amendment Act, 1854, within the said County: In the County of Lincoln all things directed by the Second and Third Sections of the Militia Law Amendment Act, 1854, to be done by Justices in General or Quarter Sessions assembled shall be done by Justices for the several Parts of Lindsey, Kesteven, and Holland in the said County of Lincoln, or any of them, assembled in Court of Gaol Sessions held in and for the said County; and all other things directed by the said Act to be done by the Justices of Counties in Quarter Sessions assembled shall and may be done by the Justices of the said several Parts of Lindsey, Kesteven, and Holland in the said County of Lincoln in their respective Quarter Sessions assembled; and the said Court of Gaol Sessions shall take into consideration any Representations already made to the Quarter Sessions for the said several Divisions of the Insecurity or Insufficiency of any Storehouse in use for the Service of any Militia of the said County, and also any Representation made to such Court under the said Militia Law Amendment Act as amended by this Act, and do all necessary Acts for providing the requisite Premises for the Service of the Militia of the said County; and the Expenses to be incurred by such Court under this Act shall be raised and paid in such and the like Manner as other Monies required for the general Purposes of the said Court of Gaol Sessions; and any Money arising from the Sale and Disposition, under the Order of the said Court of Gaol Sessions, of any Place which may have been provided for keeping the Stores of the Militia of the said County, shall be paid to the Treasurer of the said Court, and be applied for defraying the Expenses of the Execution by the said Court of the said Militia Law Amendment Act,

CLAUSE B. In the County of Lincoln Storehouses to be provided by the Gaol Sessions.

Act, and this Act; and the Surplus, if any, of such Monies shall be applied in aid of the County Rates raised in such several Divisions, in the Proportions in which they are required to contribute to the Expenditure herein-before mentioned: Provided always, that no Order or Resolution shall be made or entered into by the said Court of Gaol Sessions, under the Authority of the said Militia Law Amendment Act or this Act, concerning the Purchase of Land as a Site for Militia Storehouses, or the providing, building, enlarging, altering, or disposing of the same, unless Notice thereof shall be given by an Advertisement to be inserted in some public Newspaper most generally circulated in the said County of Lincoln, in each of the Two Weeks immediately preceding the Day appointed for holding such Gaol Sessions, stating the Day, Hour, and Place appointed for holding such Meeting, and the Nature of the Business intended to be then taken into consideration.

Borough to include any City or Town although a County of itself.

VI. In the Construction of the Militia Law Amendment Act, 1854, and of this Act, the Word "Borough" shall mean any City, Borough, Port, or Town Corporate named in either of the Schedules (A.) and (B.) to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "To "provide for the Regulation of Municipal Corporations in England "and Wales," or to which the Powers and Provisions of that Act have been or may be extended, notwithstanding any such City, Borough, or Town may be a County of itself.

Militia.

(No. 2.)

A

B I L L

[AS AMENDED IN COMMITTEE]

Further to amend the Laws relating to the Militia in England.

(Prepared and brought in by Mr. Peel and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 18 *May* 1855.

[Bill 138.]

Under 1 *oz.*

21 *May* 1855. 18 Vict.

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED,]

FURTHER

To amend the Laws relating to the Militia in England.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State may enlarge Time for Appointment of Persons to apportion Contribution between County and Borough, and for making Award.

I. It shall be lawful for One of Her Majesty's Principal Secretaries of State, if he see fit, upon the Memorial of the Justices of the Peace of any County at their General or Quarter Sessions assembled or of the Council of any Borough, to enlarge the Time within which such Justices or Council are required respectively to appoint Two Justices and Two Members of Council under Section Twelve of the Militia Law Amendment Act, 1854, and where Justices and Members of Council have been duly appointed under such Act or within any enlarged Time granted under this Act, it shall be lawful for such Secretary of State, if he see fit, upon the like Memorials of the Justices of the County at their General or Quarter Sessions assembled, and of the Council of the Borough, on behalf of which County and Borough respectively Justices and Members of Council have been appointed, to enlarge the Time within which they are required to make their Award under the said Act.

II. Where

Where the Poor Rate in the County and Borough is not assessed upon a uniform Principle, the Proportions of Contribution may be adjusted without regard to the Poor Rate Valuation.

II. Where it appears to the Justices and Members of Council appointed under the Militia Law Amendment Act, 1854, or under such Act as amended by this Act, for the Purpose of determining and awarding the respective Proportions in which any County and Borough shall contribute to the Expenditure in the said Act mentioned, or to any Arbitrator duly appointed for the like Purpose, that the respective annual Values of the Property rateable to the Relief of the Poor as rated thereto in the County and Borough are not ascertained upon a uniform Principle of Valuation, so as to constitute a fair Basis upon which to calculate the Proportions in which the County and Borough should contribute as aforesaid, such Justices and Members of Council or Arbitrator (as the Case may be) may determine and award such respective Proportions according to what may appear to them or him to be the actual annual Values at which the Property rateable in the County and Borough respectively to the Relief of the Poor ought to be rated thereto, but without regard to the respective Values at which such Property is in fact so rated; and in determining such Proportions as aforesaid the Value of the Property in Extra-parochial Places as well in Boroughs as in Counties, as such Property if rateable to the Relief of the Poor would be rated thereto, shall be taken into Account as if the same had been actually rateable to such Relief.

Boroughs situate in more than One County to contribute to each in proportion to the rateable Value of the Part within the same.

III. When any Borough is situate in more than One County, such Borough shall be liable to contribute to the Expenditure aforesaid in each such County, and the Proportions which such Borough shall contribute to such Expenditure in each such County shall be determined and awarded by Justices appointed for the County and Members of Council appointed for the Borough, or by an Arbitrator, in like Manner as in the Case of a Borough wholly within the County, but the Proportion to be contributed by the Borough shall be determined and awarded with reference to the Value of the Property rated to the Relief of the Poor within that Part only of the Borough which is situate in the County by which the Expenditure is incurred, and the Contributions so awarded shall be raised and paid in like Manner as if the whole Borough were within the County; but in case a Borough Rate be made for raising any such Contribution, or repaying any Money borrowed for the Purpose of such Contribution, or paying any Interest on any such Money or any Expenses incident to borrowing the same, such Rate shall be raised in that Part only of the Borough which is in the County to which the Contribution is required to be made: Provided always, that this Enactment shall not apply to the City or County of the City of Bristol, but the said City and County shall contribute to the Expenditure aforesaid in the County of Gloucester, as if wholly situate in such County: Provided also, that this Enactment shall not affect

affect the Provision in Section Twenty-five of the Militia Law Amendment Act, 1854, concerning the City of Lincoln and Borough of Stamford.

CLAUSE A. Foregoing Provisions to extend to Franchises.

IV. The foregoing Provisions concerning Boroughs shall apply to all Franchises, Liberties, and Places not being by Law liable to the Payment of County Rates made for the County at large, and the Expressions "Borough," "Council," "Members of Council," and "Borough Rate," shall respectively be construed as including any such Franchise, Liberty, or Place, the Justices, Mayor, or Municipal Officer authorized under Section Twenty-nine of the Militia Law Amendment Act, 1854, to appoint Two Justices or Persons to act on behalf of such Franchise, Liberty, or Place, the Justices or Persons so appointed, and the Liberty Rate or other local Rate in the Nature of a County Rate leviable in such Franchise, Liberty, or Place.

CLAUSE B. In the County of Lincoln Storehouses to be provided by the Gaol Sessions.

V. And whereas by reason of there being no General Quarter Sessions of the Peace held for the County of Lincoln at large, it is expedient that further Provision be made for executing the Militia Law Amendment Act, 1854, within the said County: In the County of Lincoln all things directed by the Second and Third Sections of the Militia Law Amendment Act, 1854, to be done by Justices in General or Quarter Sessions assembled shall be done by Justices for the several Parts of Lindsey, Kesteven, and Holland in the said County of Lincoln, or any of them, assembled in Court of Gaol Sessions held in and for the said County; and all other things directed by the said Act to be done by the Justices of Counties in Quarter Sessions assembled shall and may be done by the Justices of the said several Parts of Lindsey, Kesteven, and Holland in the said County of Lincoln in their respective Quarter Sessions assembled; and the said Court of Gaol Sessions shall take into consideration any Representations already made to the Quarter Sessions for the said several Divisions of the Insecurity or Insufficiency of any Storehouse in use for the Service of any Militia of the said County, and also any Representation made to such Court under the said Militia Law Amendment Act as amended by this Act, and do all necessary Acts for providing the requisite Premises for the Service of the Militia of the said County; and the Expenses to be incurred by such Court under this Act shall be raised and paid in such and the like Manner as other Monies required for the general Purposes of the said Court of Gaol Sessions; and any Money arising from the Sale and Disposition, under the Order of the said Court of Gaol Sessions, of any Place which may have been provided for keeping the Stores of the Militia of the said County, shall be paid to the Treasurer of the said Court, and be applied for defraying the Expenses of the Execution by the said Court of the said Militia Law Amendment

Act, and this Act; and the Surplus, if any, of such Monies shall be applied in aid of the County Rates raised in such several Divisions, in the Proportions in which they are required to contribute to the Expenditure herein-before mentioned: Provided always, that no Order or Resolution shall be made or entered into by the said Court of Gaol Sessions, under the Authority of the said Militia Law Amendment Act or this Act, concerning the Purchase of Land as a Site for Militia Storehouses, or the providing, building, enlarging, altering, or disposing of the same, unless Notice thereof shall be given by an Advertisement to be inserted in some public Newspaper most generally circulated in the said County of Lincoln, in each of the Two Weeks immediately preceding the Day appointed for holding such Gaol Sessions, stating the Day, Hour, and Place appointed for holding such Meeting, and the Nature of the Business intended to be then taken into consideration.

Borough to include any City or Town although a County of itself.

VI. In the Construction of the Militia Law Amendment Act, 1854, and of this Act, the Word "Borough" shall mean any City, Borough, Port, or Town Corporate named in either of the Schedules (A.) and (B.) to the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, "To "provide for the Regulation of Municipal Corporations in England "and Wales," or to which the Powers and Provisions of that Act have been or may be extended, notwithstanding any such City, Borough, or Town may be a County of itself; and the Powers and Provisions of the said Militia Law Amendment Act, 1854, and this Act, applicable to Boroughs locally situate in Counties shall extend to every such City, Borough, or Town being a County of itself which in Section Nineteen of the Act of the Forty-second Year of King George the Third, Chapter Ninety, is for the Purposes of that Enactment united with or named in connexion with a County or Riding, in like Manner as if locally situate in the County or Riding in connexion with which it is named.

Militia.

(No. 2.)

A

BILL

[AS AMENDED IN COMMITTEE, AND ON CONSIDERATION OF BILL AS AMENDED,]

Further to amend the Laws relating to the Militia in England.

(*Prepared and brought in by Mr. Peel and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 21 *May* 1855.

[Bill 144.]

Under 1 *oz.*

23 February 1855. 18 VICT.

(Ireland.)

A

BILL

TO

Remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act of the Forty-ninth Year of King George the Third, Chapter One hundred and twenty, it was enacted, that no Person should thereafter be appointed to any Commission in the Militia of Ireland who should require a Qualification in respect of Property by virtue of the said Act until he should have delivered unto the Clerk of the Peace of the County or City for which he should be appointed, or, in the Absence of such Clerk of the Peace, to his Deputy, a specific Description in Writing signed by himself of his Qualification, stating the Particulars of such Qualification; and that no Commmission to be granted by virtue of the said Act should be valid unless it was declared in such Commission that the Officer to whom such Commission was given had

Preamble. 49 G. 3. c. 120. s. 17.

had delivered in his Qualification as directed: And whereas Persons have in many Instances been appointed to and have acted under Commissions in the Militia in Ireland requiring Qualifications in respect of Property without having previously delivered their Qualifications, although it has been declared in such Commissions that such Qualifications had been delivered as directed by the said Act: And whereas Doubts have been raised as to the Validity of such Commissions, and of the Acts done by the Persons thereby appointed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Officers acting under the Commissions (in which the required Statement is contained) indemnified, on depositing their Qualifications within Three Months.

I. Every Person who before the *passing of this Act* hath been appointed an Officer in the Militia of Ireland by any such Commission, wherein it is stated that the necessary Qualification of such Person required in and by the said Act, or any other Act for the Regulation of the Militia in Ireland, had been duly delivered to the Clerk of the Peace of the proper County or City in that Behalf, and who has since the issuing of such Commission delivered or who shall within *Three* Months after the passing of this Act deliver to such Clerk of the Peace or his Deputy of such County or City the specific Description of the Qualification as is by said Act of the Forty-ninth of King George the Third, Chapter One hundred and twenty, or by any other Act now in force, required as a Qualification in respect of Property for such Officer, shall be indemnified, freed, and discharged from and against all Penalties and Forfeitures incurred or to be incurred for or by reason of any previous Neglect or Omission to deliver in such Qualification at the Time required by Law, and every such Person is and shall be deemed and adjudged to be and to have been duly qualified to hold such Commission according to the said Act of the Forty-ninth of George the Third, Chapter One hundred and twenty, or any Act now in force relating to such Qualification, notwithstanding such Neglect or Omission, and all Acts done or to be done by any such Person, or by Authority derived from him, acting under such Commission, are and shall be of the same Force and Validity as the same or any of them would have been if such specific Description of Qualification in respect of Property had been duly delivered as directed by said Act, and all the Provisions relating thereto had been complied with.

Proviso for Officers below the Rank of Captain, whose Commissions may

II. Provided always, That it shall not be necessary for any Officer now holding a Commission in any Regiment of Militia in Ireland under the Rank of Captain to deliver in such Qualification to the Clerk of the Peace, although his Commission may have been issued when the Law required him to be qualified in respect of Property, and notwithstanding

notwithstanding any such Neglect as aforesaid on the Part of such Officer under the Rank of Captain to deliver in such Qualification at or previous to the Time of issuing such Commission, his Commission shall to all Intents and Purposes be and be deemed to have been as valid, and all Acts done thereunder of the same Force and Effect, and such Officer shall be freed from all Penalties and Forfeitures, as fully as if no such Neglect or Omission had happened.

have been granted when the Law required from them Property Qualification.

III. Provided always, That this Act shall not extend to indemnify any Person against whom final Judgment shall have been given before *the passing of this Act*, for any Penalty incurred by having neglected so to qualify himself previous to the issuing of any such Commission as aforesaid.

Persons not to be indemnified against final Judgments obtained before this Act;

IV. Provided also, That nothing herein contained shall extend or be construed to extend to exempt any Person holding a Commission of Captain or any higher Rank in the said Militia from the Penalties to which he shall or may be subject for acting after *the passing of this Act* as such Captain or Officer of higher Rank in said Militia, without being possessed of the Property Qualification, or being otherwise qualified as required by Law.

nor against the Consequences of acting hereafter without possessing the requisite Qualifications.

V. Every Lieutenant of a County in Ireland or Colonel commanding a Battalion of Militia in Ireland, as the Case may be, who after *the passing of this Act* appoints any Person to be an Officer of the Militia of any Rank whereunto a Qualification in respect of Property is now required, shall, before transmitting the Name of such Officer to the Lord Lieutenant for Approval, require from the Clerk of the Peace or his Deputy a Certificate that the necessary Qualification has been lodged with him by such Officer, and when he transmits for Approval to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being the Name and Rank of the Officer so to be appointed, shall state to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being that he has received from the Clerk of the Peace or his Deputy such Certificate.

Lieutenants of Counties and Colonels to send with the Certificates of Appointments of Officers the Description of their Qualifications.

VI. And whereas by the said Act of the Forty-ninth of George the Third, Chapter One hundred and twenty, it is enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time, as He or they shall think fit, to signify His or their Pleasure to the Colonel or other Commanding Officer of any such Regiment or Battalion of Militia to displace all or any Officers or Officer of Militia serving under him in such Regiment or Battalion: And whereas Doubts have arisen as to whether such Provision authorizes the

Her Majesty may remove Colonels of Militia.

Removal of the Colonel or Commanding Officer of Regiments or Battalions: Now, in order to remove such Doubts, it is hereby declared, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Sign Manual, from Time to Time, as She or they shall think fit, to signify to such Colonel or Commanding Officer Her or their Will and and Pleasure that he shall be displaced from such his Command, and thereupon the Commission of such Colonel or Commanding Officer shall be null and void, and all his Powers, and all Authorities and Privileges conferred in and by such Commission, shall cease and determine, and thereupon the Person in that Behalf duly authorized shall forthwith proceed to appoint another duly qualified Person to be such Colonel or Commanding Officer.

Militia.

(Ireland.)

A

B I L L

To remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.

(*Prepared and brought in by*
Sir John Young and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
23 February 1855.

[Bill 41.]

Under 1 *oz.*

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.

WHEREAS by an Act of the Forty-ninth Year of King George the Third, Chapter One hundred and twenty, it was enacted, that no Person should thereafter be appointed to any Commission in the Militia of Ireland who should require a Qualification in respect of Property by virtue of the said Act until he should have delivered unto the Clerk of the Peace of the County or City for which he should be appointed, or, in the Absence of such Clerk of the Peace, to his Deputy, a specific Description in Writing signed by himself of his Qualification, stating the Particulars of such Qualification; and that no Commission to be granted by virtue of the said Act should be valid unless it was declared in such Commission that the Officer to whom such Commission was given had

Preamble.
49 G. 3. c. 120. s. 17.

had delivered in his Qualification as directed: And whereas Persons have in many Instances been appointed to and have acted under Commissions in the Militia in Ireland requiring Qualifications in respect of Property, without having previously delivered the Particulars of their Qualifications, as required by the said Act: And whereas Doubts have been raised as to the Validity of such Commissions, and of the Acts done by the Persons thereby appointed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Officers acting under the Commissions indemnified, on depositing their Qualifications within Three Months.

I. Every Person who before the passing of this Act hath been appointed an Officer in the Militia of Ireland by any such Commission, and who was at the Time of the issuing of such Commission seised or possessed of the necessary Qualification, and has since the issuing of such Commission delivered or shall within Three Months after the passing of this Act deliver to such Clerk of the Peace or his Deputy of such County or City the specific Description of his Qualification, shall be indemnified, freed, and discharged from and against all Penalties and Forfeitures incurred or to be incurred for or by reason of previous Neglect or Omission to deliver in such Qualification at the Time required by Law, or for or by reason of his having executed any of the Powers by the said Act directed to be exercised by Colonels, Lieutenant-Colonels, Majors, Captains, Lieutenants, or Ensigns without having delivered in such specific Description of his Qualification; and every such Person is and shall be deemed and adjudged to be and to have been duly qualified to hold such Commission according to the said Act of the Forty-ninth of George the Third, Chapter One hundred and twenty, or any Act now in force relating to such Qualification, notwithstanding such Neglect or Omission; and all Acts done or to be done by any such Person, or by Authority derived from him, under such Commission, are and shall be of the same Force and Validity as the same or any of them would have been if such specific Description of such Qualification in respect of Property had been duly delivered as directed by the said Act, and all the Provisions relating thereto had been complied with.

Proviso for Officers below the Rank of Captain whose Commissions may have been granted when the Law required from them Pro-

II. Provided always, That it shall not be necessary for any Officer now holding a Commission in any Regiment of Militia in Ireland under the Rank of Captain to deliver in such Qualification to the Clerk of the Peace, although his Commission may have been issued when the Law required him to be qualified in respect of Property; and notwithstanding any such Neglect as aforesaid on the Part of such Officer under the Rank of Captain to deliver in such Qualification at or previous to the Time of issuing such Commission, his Commission shall

shall to all Intents and Purposes be and be deemed to have been as valid, and all Acts done thereunder of the same Force and Effect, and such Officer shall be freed from all Penalties and Forfeitures, as fully as if no such Neglect or Omission had happened.

perty Qualification.

Persons not to be indemnified against final Judgments obtained before this Act, nor against Consequences of acting hereafter without possessing requisite Qualifications.

III. Provided always, That this Act shall not extend to indemnify any Person against whom final Judgment shall have been given for any Penalty before the passing of this Act, or to exempt any Person holding a Commission of Captain or any higher Rank in the said Militia from the Penalties to which he shall or may be subject for acting as such Captain or Officer of higher Rank in the said Militia, without being possessed of the Property Qualification required by Law.

Lieutenants of Counties and Colonels to send with the Certificates of Appointments of Officers the Description of their Qualifications.

IV. Every Lieutenant of a County in Ireland or Colonel commanding a Battalion of Militia in Ireland, as the Case may be, who after the passing of this Act appoints any Person to be an Officer of the Militia of any Rank whereunto a Qualification in respect of Property is now required, shall, before transmitting the Name of such Officer to the Lord Lieutenant for Approval, require from the Clerk of the Peace or his Deputy a Certificate that the necessary Description in Writing of Qualification has been lodged with him by such Officer, and when he transmits for Approval to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being the Name and Rank of the Officer so to be appointed shall state to the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being that he has received from the Clerk of the Peace or his Deputy such Certificate.

In Actions for Penalties under 49G.3.c.120. s. 19. Security for Costs to be given.

V. In case any Action, Suit, or other Proceeding shall be instituted to recover any Penalty imposed by the Nineteenth Section of the said recited Act, the Defendant in such Action, Suit, or other Proceeding shall be entitled, at any Time before pleading or filing his Defence, to require the Plaintiff to give Security for Costs, and to have the Proceedings stayed until such Security for Costs shall have been given.

VI. And whereas by the said Act of the Forty-ninth of George the Third, Chapter One hundred and twenty, it is enacted, that it shall and may be lawful for His Majesty, His Heirs and Successors, from Time to Time, as He or they shall think fit, to signify His or their Pleasure to the Colonel or other Commanding Officer of any such Regiment or Battalion of Militia to displace all or any Officers or Officer of Militia serving under him in such Regiment or Battalion : And whereas under the said Act the Colonels of Militia in Ireland were appointed by the Lord Lieutenant or other Chief Governor or Governors of

Ireland, and the Power of Removal was vested in such Lord Lieutenant or other Chief Governor or Governors: And whereas by an Act of the Session holden in the First and Second Year of King William the Fourth, Chapter Seventeen, the Power of appointing the Colonels of Militia was transferred from the Lord Lieutenant or other Chief Governor or Governors to the Lieutenants of Counties, and the Power of appointing inferior Officers was transferred from the Colonels to such Lieutenants of Counties, subject to a Proviso, saving to Colonels of Militia acting under Commissions granted before the passing of the said Act of their Power to appoint Lieutenant Colonels and other Officers of their Regiments and Battalions; but no Provision was made as to the displacing of the Officers of the Militia corresponding with the Alteration in the Powers of appointing them: It shall be lawful for Her Majesty, Her Heirs or Successors, or the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being, from Time to Time as they respectively may think fit, to signify Her, their, or his Pleasure to the Lieutenant of any County or Place to displace all or any of the Officers in the Militia of such County or Place, and thereupon such Officers shall be displaced, and others shall be appointed in their Stead.

Her Majesty or Lord Lieutenant may direct Lieutenants of Counties to displace Officers of Militia.

Militia.

(Ireland.)

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To remove Doubts as to the Commissions of Officers of Militia in Ireland who have omitted to deliver unto the Clerk of the Peace Descriptions of their Qualifications, and to indemnify them against the Consequences of such Omission, and to amend the Law relating to the Militia in Ireland.

(*Prepared and brought in by* (*Sir John Young and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 12 *March* 1855.

[Bill 53.] *Under 1 oz.*

A

BILL

TO

Suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

WHEREAS it is expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. All General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, save such Proceedings as are or may be directed or authorized by or under the Act of the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, and the Acts amending the same, shall cease and remain suspended until the *First Day of October One thousand eight hundred and fifty-six.* Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

Proceedings may be had during such Suspension by Order in Council.

II. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in Scotland and Ireland respectively relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in Scotland, or to the Governors and Deputy Governor of Counties and Places in Ireland; and all the Provisions of the several Acts in force in Scotland and Ireland respectively relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Saving for certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called under the Authority of One of Her Majesty's Principal Secretaries of State, or in Ireland under the Authority of the Lord Lieutenant or other Chief Governor or Governors of Ireland, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

Militia Ballots Suspension.

A

B I L L

To suspend the making of Lists and the Ballots for the Militia of the United Kingdom.

(*Prepared and brought in by Mr. Peel and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 27 *July* 1855.

[Bill 277.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law concerning the Qualification of Officers of the Militia.

WHEREAS the Qualifications now required in the Case of Persons to be appointed Officers in the Militia are different in the different Parts of the United Kingdom, and it is expedient that the Law as to such Qualifications should be made uniform: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Person to be hereafter appointed an Officer of the Militia of any of the Ranks following shall be in possession of an Estate for his own Life, or for the Life of another, or for some greater Estate, in Land or Heritages in the United Kingdom of the yearly Value herein-after mentioned in connexion with such respective Rank, or shall be Heir apparent of some Person who shall be in possession of a like Estate in like Property of the like yearly Value: Property Qualifications for Officers of the Rank of Captain and higher Ranks in the Militia.

Rank.	Yearly Value required for the Qualification.
Colonel - - - -	£*600* yearly Value.
Lieutenant-Colonel - -	£*400* yearly Value.
Major - - - -	£*300* yearly Value.
Captain - - - -	£*200* yearly Value.

Provided

Provided always, that as to Appointments to the Rank of Major and Captain respectively any Son of any Person who shall be in the Possession or who was at the Time of his Death in the Possession of such an Estate in Lands or Heritages of such yearly Value as would be a Qualification for such respective Rank shall be deemed qualified.

The Income of Personal Estate in possession of the Officer to be deemed equivalent to the yearly Value of Land.

II. Provided also, That for the Purposes of the Qualification aforesaid a clear yearly Income arising from any Personal Estate within the United Kingdom of Great Britain and Ireland, of or to which Personal Estate or the clear yearly Income thereof any Person appointed an Officer of the Militia is possessed or entitled, at Law or in Equity, for his own Use and Benefit, in possession, for his own Life, or for the Life of another, or for some greater Estate or Interest, shall be deemed an Equivalent to an Estate in Land or Heritages of a yearly Value of the same Amount with such yearly Income, and such yearly Income from Personal Estate shall be admitted in whole or in part of any such Qualification accordingly; and no other Property Qualification than herein expressed shall be required in the Case of any Person appointed an Officer of the Militia.

Persons holding certain Military Ranks may be appointed to certain Ranks in the Militia without Property Qualifications.

III. Provided also, That any Person, being a Commissioned Officer in any of Her Majesty's other Forces or in the Forces of the East India Company, who has served *Five* Years in such Forces, may, without any Property Qualification, be appointed a Captain of the Militia; and any Person holding or having held the Rank of Captain or any higher Rank in Her Majesty's other Forces or in the Forces of the East India Company may, without any Property Qualification, be appointed a Captain or Major of the Militia; and any Person holding or having held the Rank of Major or any higher Rank in any of the said Forces may, without any such Qualification, be appointed a Lieutenant Colonel or Colonel of the Militia; and any Person who shall have been qualified to receive and shall have received a Commission of Major or Lieutenant Colonel in the Militia shall be qualified to receive and hold a Commission of higher Rank in the Militia.

Existing Enactments to extend to Qualifications under this Act.

IV. The Enactments concerning the Delivery of Descriptions of Property Qualifications, and other Provisions and Penalties having reference to the Qualifications now required by Law, shall be applicable with reference to the Qualifications required by this Act.

Exceptions for the Militia of Lon-

V. Such of the Provisions of this Act as regulate the Amount and Nature of the Property Qualifications of Officers of the Militia shall

shall not extend to the Militia of the City of London or the Militia of the City of Edinburgh and its Liberties. don and Edinburgh.

VI. Except as herein-before excepted, the Provisions of this Act shall extend and apply to the Militia raised in the several Parts of the United Kingdom, and to the Corps of Miners of Cornwall and Devon. Extent of the Act.

Militia Officers Qualifications.

A

BILL

To amend the Law concerning the Qualification of Officers of the Militia.

(*Prepared and brought in by Mr. Cowper and Mr. Peel.*)

Ordered, by The House of Commons, *to be Printed,* 4 *July* 1855.

[Bill 217.]

Under 1 *oz.*

8 *February* 1855. 18 Vict.

(Ireland.)

A

BILL

FOR

The further Encouragement of the working of Mines in Ireland.

Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled "An Act for the more effectual Relief of the destitute Poor in Ireland," it is amongst other things enacted, that opened Mines shall be rateable Hereditaments for the Relief of the Poor: And whereas by an Act passed in the Parliament of Great Britain in the Forty-third Year of the Reign of Her Majesty Queen Elizabeth, intituled "An Act for the Relief of the Poor," Coal Mines only are made liable to be rated for the Relief of the Poor in England: And whereas it is expedient that the Law in Ireland should be assimilated to the Law as it at present stands in England, and that further Encouragement should be given for the working of Mines in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble.

1 & 2 Vict. c. 56.

43 Eliz. c. 2.

I. That so much of the said Act passed in the said Sessions held in the First and Second Years of Her present Majesty, as relates to Mines, save and except Coal Mines, shall be and the same is hereby repealed;

So much of 1 & 2 Vict. c. 56. as relates to Mines, ex-

cept Coal Mines, repealed, and no Mines, except Coal Mines, to be rateable for Relief of the Poor.

repealed; and that from and after the *passing of this Act* no Mines in Ireland, save and except Coal Mines, shall be rateable for the Relief of the destitute Poor in Ireland: Provided, however, that nothing herein contained shall be taken to effect any Proceeding heretofore taken upon any Action brought under the Provisions of the said Act before the Commencement of this Act.

Mines.

(Ireland).

A

BILL

For the further Encouragement of the working of Mines in Ireland.

(Prepared and brought in by Mr. John Fitzgerald, Mr. Napier, and Mr. Francis William Russell.)

Ordered, by The House of Commons, *to be Printed*
8 *February* 1855.

[Bill 21.]

Under 1 *oz.*

15 *May* 1855. 18 VICT.

A

BILL

TO

Amend the Law relating to the Conveyance of Lands for Charitable Uses.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands whereby the same become unalienable," it was amongst other things enacted, that from and after the Twenty-fourth Day of June One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled, to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were and were made by Deed indented, sealed, and delivered in the Presence of Two or more credible Witnesses Twelve Calendar Months at least before the Death of such Donor or Grantor (including the Days of the Execution and Death), and were

Preamble. 9 G. 2. c. 36.

were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take effect in possession for the Charitable Use intended immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, amongst other things, that nothing therein-before mentioned relating to the sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments to be made really and bonâ fide for a full and valuable Consideration actually paid at or before the making such Conveyance, without Fraud or Collusion; and it was thereby enacted, that all Gifts, Grants, Conveyances, Appointments, Assurances, Transfers, and Settlements whatsoever of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments to or in trust for any Charitable Uses whatsoever, which should at any Time after the said Twenty-fourth Day of June One thousand seven hundred and thirty-six be made in any other Manner or Form than by the said Act was directed and appointed, should be absolutely and to all Intents and Purposes null and void: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes" it was enacted, that where any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, had been purchased for a full and valuable Consideration, in trust or for the Benefit of any Charitable Uses whatsoever, and such full and valuable Consideration had been actually paid for the same, every Deed or other Assurance then already made for the Purpose of conveying or assuring such Lands, Tenements, or Hereditaments, Estate or Interest as aforesaid, in trust or for the Benefit of such Charitable Uses, (if made to take effect in possession for the Charitable Use intended immediately from the making thereof, and without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause or Agreement, whatsoever for the Benefit of the Grantor, or of any Person or Persons claiming under him,) should be as good and valid and of the same Effect, both for establishing derivative Titles and in all other respects, as if the several Formalities by the said Act passed in the Ninth Year of the Reign of His late Majesty King George the Second prescribed had been duly observed and performed: Provided always, that nothing in the now-reciting Act contained should extend to give Effect to any Deed or other Assurance there-

9. G. 4. c. 85.

tofore

tofore made, so far as the same had been already avoided by Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity then actually commenced for avoiding any such Deed or other Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or other Assurance might have been made; and provided also, that nothing in the now-reciting Act contained should be construed to dispense with any of the said several Formalities prescribed by the said Act passed in the Ninth Year of the Reign of King George the Second, in relation to any Deed or other Assurance which should be made after the passing of the now-reciting Act: And whereas by reason of the Provisions contained in the first-recited Acts Doubts have arisen whether it is possible to make any good or valid Assurance for Charitable Uses of any Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Difficulties and as to Enrolment, in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No past or future Deed, &c. for Charitable Uses, upon valuable Consideration, to be void if enrolled in Chancery, &c,

I. No Deed or Assurance heretofore made or hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, upon a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance, and partly reserved as aforesaid, without Fraud or Collusion, shall be deemed to be null and void within the Meaning of the first-recited Act, if such Deed or Assurance has been at any Time prior to the *passing of this Act*, or shall be within *Six* Calendar Months next after the passing of this Act, or within *Six* Calendar Months next after the making or perfecting such Deed or Assurance, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses, not upon valuable Consideration, to be void by reason of Noncompliance with

II. No Deed or Assurance heretofore made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance not having been sealed and delivered in the Presence of Two or more credible Witnesses, or by reason of such Deed or Assurance not having been enrolled in Her

the Formalities in 9 G. 2. c. 36., or of specified Stipulations for the Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c. be enrolled, &c.

Majesty's High Court of Chancery within *Six* Calendar Months next after the Execution thereof, or by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, Mines or Minerals, or Easement, or any Covenants as to the Position or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants of the like Nature, providing for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments of the Donor or Grantor, or of any Person or Persons claiming under him, not comprised in such Deed or Assurance, or any Right of Entry on Nonpayment of any such Rent or Breach of any such Covenant, or any Covenant indemnifying the Donor or Grantor against any prior Incumbrance, or any Stipulations of the like Nature, for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, or in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein, by reason of the same not having been made by Deed indented, if such Deed or Assurance has been at any Time prior to the *passing of this Act* or shall be within *Six* Calendar Months next after the passing of this Act enrolled in Her Majesty's High Court of Chancery.

No future Deed, &c. for Charitable Uses, not upon valuable Consideration, to be void by reason of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c be enrolled, &c.

III. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any such Grant, Reservation, Covenants, Right of Entry, or Stipulations for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, as in the Second Section of this Act is mentioned, or, in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein, by reason of the same not being made by Deed indented, if such Deed or Assurance shall within *Six* Calendar Months after the making or perfecting such Deed or Assurance be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any past Deed, &c. not enrolled are declared by

IV. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses, and not enrolled in Her Majesty's High Court of Chancery prior to the *passing of this Act*, have been declared by any other Deed or Instrument, it shall be deemed sufficient, for all Intents and

and Purposes whatsoever, if such Deed or Instrument declaring the Charitable Uses has prior to the *passing of this Act* been so enrolled as last aforesaid; but if neither such Deed or Assurance, nor the Deed or Instrument declaring the Uses thereof, has been so enrolled as last aforesaid, then it shall not be necessary to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void unless the Deed or Instrument declaring the Charitable Uses thereof shall within *Six* Calendar Months next after the passing of this Act be enrolled in Her Majesty's High Court of Chancery.

any other Deed, &c., Enrolment of such other Deed, &c. sufficient. Where neither is enrolled, Enrolment of such other Deed, &c. requisite.

V. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for Charitable Uses shall be declared by any other Deed or Instrument, it shall not be necessary to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void, unless the Deed or Instrument declaring the Charitable Uses thereof shall, within *Six* Calendar Months next after the making or perfecting of such Deed or Assurance conveying the Property to such Charitable Uses, be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite.

VI. And whereas in certain Cases Deeds or Assurances have been made for Charitable Uses, which Deeds or Assurances, by reason of the Provisions contained in the first-recited Act, or of some of them, are invalid, and Attempts have been made to remedy the Title by other Deeds or Assurances themselves, also invalid, by reason of the Provisions contained in the first-recited Act or of some of them: Be it enacted, That the Provisions in this Act contained for remedying Defects in Titles shall extend and apply, so far as the same shall be applicable, to such subsequent Deeds or Assurances only.

Act to apply to the latter only of successive invalid Deeds.

VII. Nothing in this Act contained shall extend to give Effect to any Deed or Assurance heretofore made so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made.

Act not to extend to Deeds, &c. already avoided, nor to prejudice Suits actually commenced.

VIII. And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, and intituled "An Act to render "more simple and effectual the Titles by which Congregations or "Societies for Purposes of Religious Worship or Education in England

13 & 14 Vict. c. 27.

"and Ireland hold Property for such Purposes," and it is expedient to extend some of the Benefits of such Act to the Case of all Property held for any Charitable Uses whatsoever: Be it enacted, That whenever any Hereditaments of any Tenure whatsoever, or any Estate or Interest therein, have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever, to or in favour of any Trustees or Trustee for such Charitable Uses, the original Deed or Assurance shall vest the Hereditaments, Estate, or Interest thereby conveyed or assured, not only in the original Trustees or Trustee, but also in their or his Successors in Office for the Time being duly appointed, and the Deed, Document, or Order of Court by which such Successors in Office shall be appointed may be given and shall be received in Evidence in all Courts and Proceedings, and shall be Evidence of the Truth of the several Matters and Things therein stated: Provided always, that where such Hereditaments shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Hereditaments shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of *Forty* Years so long as such Hereditaments or any Estate or Interest therein shall be devoted to Charitable Uses, to receive, and take a Sum corresponding to the Fine and Heriot, (if any) which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof, and such Payments shall be in full of all Fines and Heriots (if any) payable to the Lord or Lady of the Manor of which such Hereditaments are holden while the same shall be devoted to Charitable Uses, and the Lord or Lady of such Manor shall have all such Powers for the Recovery of the Sums hereby made payable as such Lord or Lady could have had in the event of the Tenant or Tenants of such Hereditaments having died, or having alienated the same, in reference to the Fines and Heriots (if any) heretofore payable; provided also, that nothing in this Act contained shall be construed to extend any of the Provisions of the last herein-before recited Act to any Case whatsoever further or otherwise than is by this Act expressly provided.

Hereditaments conveyed to Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed.

Providing for Payments in lieu of Fines as to Copyholds.

Mortmain.

A

BILL

To amend the Law relating to the Conveyance of Lands for Charitable Uses.

(*Prepared and brought in by Mr. Atherton, Mr. George Butt, and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed,* 15 *May* 1855.

[Bill 127.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Conveyance of Lands for Charitable Uses.

[Note.—*The Clauses marked* A. *and* B. *were added in Committee.*]

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands whereby the same become unalienable," it was amongst other things enacted, that from and after the Twenty-fourth Day of June One thousand seven hundred and thirty-six no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, corporeal or incorporeal, whatsoever, should be given, granted, aliened, limited, released, transferred, assigned, or appointed, or anyways conveyed or settled, to or upon any Person or Persons, Bodies Politic or Corporate, or otherwise, for any Estate or Interest whatsoever, or anyways charged or incumbered by any Person or Persons whatsoever, in trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments were and were made by Deed indented, sealed, and delivered in the Presence of Two or more credible Witnesses Twelve Calendar Months at least before the Death of such Donor or Grantor (including the Days of the Execution and Death), and Preamble. 9 G. 2. c. 36.

were enrolled in His Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, and unless the same were made to take effect in possession for the Charitable Use intended immediately from the making thereof, and were without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause, or Agreement whatsoever for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him; but it was thereby provided, amongst other things, that nothing therein-before mentioned relating to the sealing and Delivery of any Deed or Deeds Twelve Calendar Months at least before the Death of the Grantor should extend or be construed to extend to any Purchase of any Estate or Interest in Lands, Tenements, or Hereditaments to be made really and bonâ fide for a full and valuable Consideration actually paid at or before the making such Conveyance, without Fraud or Collusion; and it was thereby enacted, that all Gifts, Grants, Conveyances, Appointments, Assurances, Transfers, and Settlements whatsoever of any Lands, Tenements, or other Hereditaments, or of any Estate or Interest therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments to or in trust for any Charitable Uses whatsoever, which should at any Time after the said Twenty-fourth Day of June One thousand seven hundred and thirty-six be made in any other Manner or Form than by the said Act was directed and appointed, should be absolutely and to all Intents and Purposes null and void: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act for remedying a Defect in the Titles of Lands purchased for Charitable Purposes" it was enacted, that where any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, had been purchased for a full and valuable Consideration, in trust or for the Benefit of any Charitable Uses whatsoever, and such full and valuable Consideration had been actually paid for the same, every Deed or other Assurance then already made for the Purpose of conveying or assuring such Lands, Tenements, or Hereditaments, Estate or Interest as aforesaid, in trust or for the Benefit of such Charitable Uses, (if made to take effect in possession for the Charitable Use intended immediately from the making thereof, and without any Power of Revocation, Reservation, Trust, Condition, Limitation, Clause or Agreement, whatsoever for the Benefit of the Grantor, or of any Person or Persons claiming under him,) should be as good and valid and of the same Effect, both for establishing derivative Titles and in all other respects, as if the several Formalities by the said Act passed in the Ninth Year of the Reign of His late Majesty King George the Second prescribed had been duly observed and performed: Provided always, that nothing in the now-reciting Act contained should extend to give Effect to any Deed or other Assurance there-

9 G. 4. c. 85.

tofore

tofore made, so far as the same had been already avoided by Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity then actually commenced for avoiding any such Deed or other Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or other Assurance might have been made; and provided also, that nothing in the now-reciting Act contained should be construed to dispense with any of the said several Formalities prescribed by the said Act passed in the Ninth Year of the Reign of King George the Second, in relation to any Deed or other Assurance which should be made after the passing of the now-reciting Act: And whereas by reason of the Provisions contained in the first-recited Acts Doubts have arisen whether it is possible to make any good or valid Assurance for Charitable Uses of any Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Difficulties and as to Enrolment, in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No past or future Deed, &c. for Charitable Uses, upon valuable Consideration, to be void if enrolled in Chancery, &c.

I. No Deed or Assurance heretofore made or hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, upon a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance, and partly reserved as aforesaid, without Fraud or Collusion, shall be deemed to be null and void within the Meaning of the first-recited Act, if such Deed or Assurance has been at any Time prior to the passing of this Act, or shall be within Six Calendar Months next after the passing of this Act, or within Six Calendar Months next after the making or perfecting such Deed or Assurance, enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses, not upon valuable Consideration, to be void by reason of Noncompliance with

II. No Deed or Assurance heretofore made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance not having been sealed and delivered in the Presence of Two or more credible Witnesses, or by reason of such Deed or Assurance not having been enrolled in Her

the Formalities in 9 G. 2. c. 36., or of specified Stipulations for the Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c. be enrolled, &c.

Majesty's High Court of Chancery within Six Calendar Months next after the Execution thereof, or by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, Mines or Minerals, or Easement, or any Covenants as to the Position or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants of the like Nature, providing for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments of the Donor or Grantor, or of any Person or Persons claiming under him, not comprised in such Deed or Assurance, or any Right of Entry on Nonpayment of any such Rent or Breach of any such Covenant, or any Covenant indemnifying the Donor or Grantor against any prior Incumbrance, or any Stipulations of the like Nature, for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, or in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein, by reason of the same not having been made by Deed indented, if such Deed or Assurance has been at any Time prior to the passing of this Act or shall be within Six Calendar Months next after the passing of this Act enrolled in Her Majesty's High Court of Chancery.

No future Deed, &c. for Charitable Uses, not upon valuable Consideration, to be void by reason of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed indented, if Deed, &c. be enrolled, &c.

III. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, shall be deemed to be null and void within the Meaning of the first-recited Act by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any such Grant, Reservation, Covenants, Right of Entry, or Stipulations for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, as in the Second Section of this Act is mentioned, or, in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein, by reason of the same not being made by Deed indented, if such Deed or Assurance shall within Six Calendar Months after the making or perfecting such Deed or Assurance be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any past Deed, &c. not enrolled are declared by

IV. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses, and not enrolled in Her Majesty's High Court of Chancery prior to the passing of this Act, have been declared by any other Deed or Instrument, it shall be deemed sufficient, for all Intents and

and Purposes whatsoever, if such Deed or Instrument declaring the Charitable Uses has prior to the passing of this Act been so enrolled as last aforesaid; but if neither such Deed or Assurance, nor the Deed or Instrument declaring the Uses thereof, has been so enrolled as last aforesaid, then it shall not be necessary to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void unless the Deed or Instrument declaring the Charitable Uses thereof shall within Six Calendar Months next after the passing of this Act be enrolled in Her Majesty's High Court of Chancery.

any other Deed, &c., Enrolment of such other Deed, &c. sufficient. Where neither is enrolled, Enrolment of such other Deed, &c. requisite.

V. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for Charitable Uses shall be declared by any other Deed or Instrument, it shall not be necessary to enrol such Deed or Assurance, but every such Deed or Assurance shall be absolutely and to all Intents and Purposes null and void, unless the Deed or Instrument declaring the Charitable Uses thereof shall, within Six Calendar Months next after the making or perfecting of such Deed or Assurance conveying the Property to such Charitable Uses, be enrolled in Her Majesty's High Court of Chancery.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite.

VI. And whereas in certain Cases Deeds or Assurances have been made for Charitable Uses, which Deeds or Assurances, by reason of the Provisions contained in the first-recited Act, or of some of them, are invalid, and Attempts have been made to remedy the Title by other Deeds or Assurances themselves, also invalid, by reason of the Provisions contained in the first-recited Act or of some of them: Be it enacted, That the Provisions in this Act contained for remedying Defects in Titles shall extend and apply, so far as the same shall be applicable, to such subsequent Deeds or Assurances only.

Act to apply to the latter only of successive invalid Deeds.

CLAUSE A.

VII. And whereas it has been held, on the Construction of the first-recited Act, that a pecuniary Bequest to or in trust for any Charitable Use is void, under the Provisions of the said Act, to the Extent of the Proportion which the Assets of the Testator consisting of Personalty savouring of Realty bear to the Assets of the Testator consisting of pure Personalty, and if the Assets of the Testator consist entirely of Personalty savouring of Realty, then that such Bequest is wholly void, and by the Rules of Courts of Equity the Assets are not marshalled in favour of such Bequest, whereby the lawful Intentions of Testators are often disappointed: Be it enacted, That no pecuniary Bequest to or in trust for any Charitable Use contained in any Will or Codicil made after the passing of this Act shall fail or abate by reason only that the Assets of

No pecuniary Bequest for Charitable Use to be void by reason only of the Assets of Testator consisting of Personalty savouring of Realty.

of the Testator shall consist wholly or in part of Personalty savouring of Realty, but every such Bequest shall be payable as well by and out of such Assets as last aforesaid, as by and out of any Assets consisting of pure Personalty, in the same Manner in all respects as a pecuniary Bequest of like Amount made by the same Will or Codicil to a Purpose not charitable would have been payable if the same had been substituted therein for such Charitable Bequest, anything in the said recited Acts and any Rule or Practice of Equity to the contrary notwithstanding.

Clause B. 9 G. 2. c. 36. not to extend to Bequests of Money, &c. unless imperatively required to be laid out in Land.

VIII. And whereas by the herein-before recited Act passed in the Ninth Year of the Reign of His late Majesty King George the Second it was also enacted, that from and after the Twenty-fourth Day of June One thousand seven hundred and thirty-six, no Sum or Sums of Money, Goods, Chattels, Stocks in the Public Funds, Securities for Money, or any other Personal Estate whatsoever to be laid out or disposed of in the Purchase of any Lands, Tenements, or Hereditaments, should be given, appointed, or any ways settled in trust or for the Benefit of any Charitable Uses whatsoever, unless such Gift, Appointment, or Settlement of any such Sum or Sums of Money or Personal Estate (other than Stocks in the Public Funds) were made in the same Manner and subject to the same Conditions as are by the now reciting Act enacted and prescribed in reference to corporeal or incorporeal Hereditaments, and unless such Stocks were transferred in the Manner and subject to the Conditions in the same recited Act also enacted and prescribed in reference to such Stocks: And whereas Doubts have been entertained as to the Meaning of the last herein-before recited Enactment: Be it enacted, That no Bequest contained in any Will heretofore or hereafter to be made for any Charitable Uses whatsoever, which Bequest is or shall be valid in all other respects, shall be deemed to be null and void within the Meaning of the last herein-before recited Enactment, unless by the Will containing such Bequest it shall be imperatively required that the Subject Matter of such Bequest shall be laid out or disposed of in the Purchase of Lands, Tenements, or Hereditaments.

Act not to extend to Deeds, &c. already avoided.

IX. Nothing in this Act contained shall extend to give Effect to any Deed or Assurance heretofore made so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever.

13 & 14 Vict. c. 27.

X. And whereas an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, and intituled "An Act to render "more simple and effectual the Titles by which Congregations or "Societies

"Societies for Purposes of Religious Worship or Education in England "and Ireland hold Property for such Purposes," and it is expedient to extend some of the Benefits of such Act to the Case of all Property held for any Charitable Uses whatsoever: Be it enacted, That whenever any Hereditaments of any Tenure whatsoever, or any Estate or Interest therein, have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever, to or in favour of any Trustees or Trustee for such Charitable Uses, the original Deed or Assurance shall vest the Hereditaments, Estate, or Interest thereby conveyed or assured, not only in the original Trustees or Trustee, but also in their or his Successors in Office for the Time being duly appointed, and the Deed, Document, or Order of Court by which such Successors in Office shall be appointed may be given and shall be received in Evidence in all Courts and Proceedings, and shall be Evidence of the Truth of the several Matters and Things therein stated: Provided always, that where such Hereditaments shall be of Copyhold or Customary Tenure, and liable to the Payment of any Fine, with or without a Heriot, on the Death or Alienation of the Tenant or Tenants thereof, it shall be lawful for the Lord or Lady of the Manor of which such Hereditaments shall be holden, on the next Appointment of a new Trustee or Trustees thereof, and at the Expiration of every Period of Forty Years so long as such Hereditaments or any Estate or Interest therein shall be devoted to Charitable Uses, to receive, and take a Sum corresponding to the Fine and Heriot, (if any) which would have been payable by Law upon the Death or Alienation of the Tenant or Tenants thereof, and such Payments shall be in full of all Fines and Heriots (if any) payable to the Lord or Lady of the Manor of which such Hereditaments are holden while the same shall be devoted to Charitable Uses, and the Lord or Lady of such Manor shall have all such Powers for the Recovery of the Sums hereby made payable as such Lord or Lady could have had in the event of the Tenant or Tenants of such Hereditaments having died, or having alienated the same, in reference to the Fines and Heriots (if any) heretofore payable; provided also, that nothing in this Act contained shall be construed to extend any of the Provisions of the last herein-before recited Act to any Case whatsoever further or otherwise than is by this Act expressly provided.

Hereditaments conveyed to Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed.

Providing for Payments in lieu of Fines as to Copyholds.

Mortmain.

A

BILL

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Conveyance of Lands for Charitable Uses.

(Prepared and brought in by
Mr. Atherton, Mr. George Butt, and Mr. Malins.)

Ordered, by The House of Commons, *to be Printed,*
4 *July* 1855.

[Bill 218.]

Under 1 *oz.*

10 *May* 1855. 18 Vict.

A

B I L L

TO

Amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS an Act was passed in the last Session of Parliament, to provide, amongst other things, for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts in Ireland, and it is expedient to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 17 & 18 Vict. c. 99.

I. So much of the Twelfth Section of the said recited Act as enables Persons who shall have made a Donation to the Governors and Guardians of the National Gallery of Ireland, for the Purposes of their Trust, of not less than Two Guineas in Money, to vote at the Election and Nomination of Persons to fill Vacancies in such Governors and Guardians, shall be and the same is hereby repealed; and the Donors of Twenty Pounds to vote at Election of Governors.

Privilege of voting at such Election and Nomination shall extend and apply only to every Donor of Money to the said Governors and Guardians of a Sum not less than *Twenty Pounds* in Money: Provided always, that the Provisions of the said Act for the Election and Nomination of Governors and Guardians of the said Gallery shall not hereby be affected (except as herein-after mentioned), further or otherwise than by substituting Donors of not less than *Twenty Pounds* in Money for Donors of not less than Two Guineas in Money, as aforesaid.

Donors of Twenty Pounds to any Fund transferred to the Governors of the National Gallery to vote at Eection of Governors.

II. Every Person who shall have been a Subscriber of a Sum not less than *Twenty Pounds* in Money to any Fund raised by public Subscription, and appropriated for the Purposes of the said National Gallery by the Subscribers to such Fund or the Trustees thereof (by and with the Consent of the Governors and Guardians of the said Gallery, or of the Building Trustees created by the said Act of last Session for the Purposes of their Trust respectively), shall be deemed a Donor of the like Sum to the Guardians and Governors of the National Gallery of Ireland, and shall be entitled to vote and take part at such Elections of Guardians and Governors to the said Gallery, as in the said Act and herein-before mentioned.

Five to be a Quorum of the Board of Governors, &c.

III. At all Meetings of the Body Corporate of the Governors and Guardians of the said National Gallery *Five* shall be a Quorum for the Transaction of Business: Provided neverthelesss, that no Painting, Statue, or other Work of Art shall be purchased for the said Gallery, or out of the Funds of the said Body Corporate, unless such Purchase shall be authorized by a Resolution of the said Governors and Guardians passed at a Meeting at which at least *Nine* Members of the said Body Corporate shall be present.

Power to Public Bodies to deposit Works of Art in the National Gallery of Ireland.

IV. It shall be lawful for the Governors, Directors, or Trustees of every public Institution, and for the Governing Body of every Corporation, having or which shall have or be possessed, in trust or otherwise, of any Statue, Painting, or other Work of Art, and they and every of them are hereby empowered, by and with the Consent of the said Governors and Guardians of the National Gallery of Ireland, from Time to Time to deposit the same in the Custody and Charge of the last-mentioned Governors and Guardians, for Exhibition, for and during such Time and Times, and subject to such Conditions for securing the proper Care and Preservation of such Works of Art, as may be agreed upon; and it shall be lawful for the said Governors and Guardians of the National Gallery of Ireland, out of the Funds of the said Body Corporate, from Time to Time to expend such Sums of Money as they may think proper in defraying the

the Expense of the Transmission to and from their Gallery and of the Insurance of any Works of Art as may from Time to Time be lent to or deposited with the said Governors and Guardians, by any public Bodies, Trustees, or private Individuals.

V. This Act shall be construed with the said Act of last Session as One Act, and in all Acts, Deeds, Documents, Proceedings, Suits, and Prosecutions this Act and the said Act of last Session may be cited and described by the Name of "The National Gallery of Ireland Acts, 1854–55. Short Title of this and the last Act.

National Gallery, &c. Dublin.

A

B I L L

To amend an Act of last Session, to provide for the Establishment of a National Gallery of Paintings, Sculpture, and the Fine Arts, for the Care of a Public Library, and the Erection of a Public Museum, in Dublin,

(*Prepared and brought in by Mr. Horsman and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1855.

[Bill 117.]

Under 1 *oz.*

11 *July* 1855. 18 & 19 Vict.

(Ireland.)

A

B I L L

TO

Authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, "To promote the Drainage of Lands and "Improvement of Navigation and Water Power in connexion with "such Drainage in Ireland:" And whereas the said Act was amended by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-nine, and by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Four, and by an Act passed in the same Session of Parliament, Chapter Eighty-six, and by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine, and by an Act passed in a Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty: And whereas, by the said Act of the Eighth and Ninth Years of Her

Preamble.
5 & 6 Vict. c. 89.
8 & 9 Vict. c. 69.
9 & 10 Vict. c.c. 4. and 86.
10 & 11 Vict. c. 79.
16 & 17 Vict. c. 130.
8 & 9 Vict. c. 4. s. 33.

Her Majesty, Chapter Four, it is enacted, that in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expense of making or improving any such Navigation should or might be made under the Authority of Parliament, and the other Moiety or Residue of the Expense of making or improving such Navigation should or might be raised or advanced by way of Loan under the Provisions of the therein recited Acts or the said Act now in recital, then such Moiety or Residue so raised or advanced should, with Interest from the Date of such Loan, be charged upon the District which, by the Declaration to be made in such Case by the said Commissioners under the Provisions of the therein first-recited Act, it should be declared would be benefited by the making or improving of such Navigation, and the several Baronies, Half Baronies, and Townlands in such District, and should be repaid by and levied from such Baronies, Half Baronies, and Townlands in the Proportions in which it should be so declared that such Baronies, Half Baronies, and Townlands would be respectively benefited, in One Sum or by Instalments, under and subject to the several Provisions and Regulations in the therein recited Acts or the Act now in recital contained in relation to the Levy and Recovery of any Sums which under the Final Award of the said Commissioners should be payable by the Grand Jury of any County in respect of the Improvement of the Navigation of any River:

10 & 11 Vict. c. 79. s. 3.

And whereas by the said Act of the Tenth and Eleventh Years of Her Majesty it is enacted, that in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expenses of making or improving any such Navigation should be or should have been made by the Authority of Parliament, and the other Moiety or Residue of the Expense of making or improving such Navigation should be or should have been raised or advanced by way of Loan, then such Moiety or Residue so raised or advanced should be charged upon the District therein mentioned, and the several Baronies, Half Baronies, and Townlands in such District, and should be repaid by and levied from such Baronies, Half Baronies, and Townlands, without any Declaration of the Justices and associated Cess-payers, and without any Presentment previously made by the Grand Jury of the County or any of the Counties wherein such District as aforesaid should be situate; and in all such Cases all Proceedings thitherto taken by or before the Commissioners for the Execution of the said Acts under the therein-recited Provision, and all Loans, if any, made to them, and all Securities given by them for the same under such Provision, should be valid and effectual, notwithstanding any Omission or Defect as regards any such Declaration or Presentment as aforesaid: And whereas in connexion with the Drainage of Lands in certain Districts, the Four several Navigations herein-after mentioned have been

been undertaken and in part executed under the Provisions of the said recited Acts of the Ninth and Tenth and Tenth and Eleventh Years of Her Majesty; (that is to say,)

1st. In the District of Lough Neagh, situate in the Counties of Antrim, Derry, Tyrone, Armagh, and Down, the Navigation of the Lower Bann River from the Bridge of Coleraine in the tidal Part of the said River to Lough Nenagh, and extending thence to the First Lock or Entrance of the Lagan, Newry, Ulster, and Coal Island Canals:

2d. In the District of Loughs Oughter and Gowna and River Erne, situate in the Counties of Fermanagh and Cavan, the Navigation from Beleek by the Course of Upper and Lower Lough Erne, Lough Oughter and the River Erne, and the Towns of Enniskillen and Belturbet to Killeshandra and near to the Town of Cavan:

3d. In the District of Ballynamore and Ballyconnell, situate in the Counties of Leitrim, Cavan, and Fermanagh, the Junction Navigation by the Course of the Woodford River and Lakes, from Lough Erne, at the Mouth of the said River, to the River Shannon near the Village of Leitrim:

4th. In the District of Loughs Corib, Mask, and Carra, in the County of the Town of Galway and Counties of Galway and Mayo, the Navigation by the River and Lake Corib, and Loughs Corrib, Mask, and Carra from the Sea at Galway to the Northern Extremity of the said Lough Mask and Carra, and to Cloon Lough in the River Aill:

And whereas free Grants to the Amount of One hundred and thirty-five thousand five hundred and seventy-three Pounds Three Shillings and Sevenpence have been heretofore made by the Authority of Parliament, for the Purposes of the said Navigations: And whereas it is expedient to make further Provision by way of free Grant for the Completion of the said Navigations respectively, or such of them or such Portions of them or any of them as, upon Inquiries already made or to be hereafter made under the Directions of the Commissioners of the Treasury, it may be deemed expedient to complete: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Treasury may make a free Grant.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of the Sum of Eight hundred thousand Pounds which, by an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, is authorized to be issued to the Commissioners of Public Works in 13 & 14 Vict. c. 31. s. 11.

in Ireland, to issue such Sums as may be necessary towards defraying the Expenses incurred in respect of the Four several Navigations herein-before mentioned, and towards the Completion of such several Navigations, or such of them or such Parts of them or any of them as it may be considered by the Commissioners of the Treasury expedient and proper to complete.

The Treasury to authorize Completion of the Works.

II. The said Commissioners of the Treasury may authorize and direct the Commissioners of Public Works in Ireland to cause to be completed the Navigation Works so undertaken as aforesaid, or such of the same Works or such Portions of them or any of them as, upon any Inquiries already made or to be hereafter made under the Directions of the said Commissioners of the Treasury, such Commissioners of the Treasury may think fit, and with any Modifications or Alterations which to the said Commissioners of the Treasury may appear expedient; and the said Commissioners of Public Works shall have full Power and Authority to cause to be executed or completed the Works so authorized and directed by the said Commissioners of the Treasury to be completed or executed as aforesaid, and for that Purpose to do and execute all Acts and exercise all Powers and Authorities by the said Acts or this Act given for the Execution of any Work.

The Treasury may reduce the Portion of Expenses chargeable on Counties, &c.

III. It shall be lawful for the said Commissioners of the Treasury, when, upon any Inquiries made or to be made as aforesaid, it appears to them just that the Counties, Baronies, or Townlands to be charged under the Award in relation to the said Navigation Works heretofore or hereafter to be executed should be relieved from any Portion of the Moiety or Residue of the Expenses incurred in relation to such Works, to authorize and direct the said Commissioners of Public Works in and by their Award to be made under this Act to charge upon the Counties, Baronies, or Townlands made liable under such Award in respect of such Works such lesser Sum than the full Amount of such Moiety or Residue of the Expenses of and incidental to such Works as to the said Commissioners of the Treasury may, under the Circumstances of each of the said Navigations, appear just; and such lesser Sum shall be charged upon the County or Counties, Barony or Baronies, District, or Townland or Townlands, which, in Awards to be made by the Commissioners of Public Works as herein-after provided, it shall be stated and awarded will, in the Opinion of the said Commissioners, be benefited by the making of such Navigations, by such Instalments and at such Times as shall be mentioned in any such Awards.

IV. It

Advances which are not to be chargeable on Counties &c. to be free Grants.

IV. It shall be lawful for the said Commissioners of the Treasury to order and direct, as to any Sums of Money which out of the Funds applicable to Loans in aid of the said Navigation Works have been already advanced or issued, or may hereafter be advanced or issued, for the Execution of such Works, that so much of such Advances as in the Judgment of the said Commissioners of the Treasury should not be charged on any County, Barony, District, or Townland by the Awards of the Commissioners of Public Works *should be and be deemed to be free Grants.*

The Commissioners of Public Works to make an Award on Completion of the Works.

V. As soon as conveniently may be after any of the said Navigations shall have been completed in such Manner and to such Extent as shall be directed or approved of by the Commissioners of Her Majesty's Treasury, the said Commissioners of Public Works shall make an Award in such Manner and Form as may be convenient, specifying the total Amount of the Costs, Charges, and Expenses incurred in the making of any such Navigation, and showing the Portion which, under the Authority of the Commissioners of the Treasury, is to be charged of such Costs and Charges, together with the County or Counties, Barony or Baronies, Townland or Townlands, to be charged with such Portion of such Costs and Expenses as aforesaid, and the Instalments by and the Manner in which the Amount of such Portion is to be paid, as also the Proportions in which such County or Counties, Barony or Baronies, or Townlands, are to be chargeable towards such Portion of the Costs and Expenses aforesaid.

The Commissioners to certify Amount to the Grand Jury of the County, who are to make Presentment accordingly.

VI. The Secretary of said Commissioners of Public Works shall, after the making of such Award, certify to the Secretary of the Grand Jury of every County, County of a City, or County of a Town in which the Lands chargeable shall be situate, the Amount of such Sum of Money and the Instalments and Manner by and in which the same is payable under the Award of the said Commissioners, and every such Grand Jury is hereby required, at the Assizes next ensuing the Date of such Certificate, without Application to Presentment Sessions, to make Presentment of the Amount mentioned in such Certificate to be raised off the County at large, Barony or Baronies, Townland or Townlands, as may be mentioned in any such Award or Certificate, by the Instalments and in the Manner mentioned in such Certificate; and in default of such Presentment the Treasurer of such County, County of a City, or County of a Town is hereby required, without Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, and from Time to Time after each succeeding Assizes (until the whole of the Instal-

ments by any such Certificate payable shall be fully paid off and discharged), to insert in a separate Warrant to be by him issued for the Levy of the same the Amount mentioned in such Certificate to be raised off such County, Barony or Baronies, Townland or Townlands, therein mentioned; and such Amounts as shall be so presented, or so included in any such Warrant as aforesaid, shall be applotted, raised and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess and when and so soon as such Amount as aforesaid shall be from Time to Time raised and received by the Treasurer of the County such Treasurer shall immediately pay the same to the Paymaster of Civil Services in Ireland for the Time being, and the same shall be by him paid into Her Majesty's Exchequer, in discharge of the Sum mentioned in any such Award.

Awards in respect of Drainage not to be affected, and to be made as if no Work of Navigation had been connected therewith.

VII. Nothing herein contained shall extend to prevent the said Commissioners of Public Works from making their Awards in relation to the Drainage of the Lands in connexion with the Drainage of which the said Works of Navigation may have been undertaken, or in relation to the Improvement of Mill Power, or to affect or interfere with the Provisions in relation to such Awards; and such Awards may be made and all Provisions in relation thereto shall take effect in like Manner as if no Works of Navigation had been undertaken in connexion with such Drainage or Mill Improvement Works.

Navigations may be transferred to Counties.

VIII. It shall be lawful for the said Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, shall be deemed and become the public Property of the County, or Counties if more than One, in which respectively the Lands chargeable under the Award in relation to the said Navigations respectively are situate; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, shall be deemed and taken to be the public Property of such County or Counties as aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such County or Counties, with such Powers and Authorities and subject to such Provisions and Regulations as may hereafter be established by Parliament in relation thereto.

16 & 17 Vict. c. 130. s. 2. Power to

IX. Whereas by the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty, it is amongst other things enacted,

enacted, that it should be lawful for the said Commissioners of the Treasury to authorize and direct the said Commissioners of Public Works in Ireland, by their Award to be made under the said Acts, to charge upon the Lands made liable under such Award such lesser Sum than the full Amount of the Expenses of and incidental to Works as to the said Commissioners of the Treasury might under the Circumstances of each Case appear just; provided always, that in all Cases the whole Amount of the Purchase Money or Compensation payable in respect of Land taken for or injuriously affected by any Works commenced and completed or executed, should be included in or charged under the Award to be made in relation to such Works: And whereas it frequently happens that Claims are made after Completion of the Works in the District and in respect of which an Award has been made or is about to be made, and at Times when there are no Funds in the Hands of the said Commissioners or otherwise available for or properly applicable to the Payment of such Claims; and it is expedient to authorize the Commissioners in such Cases, within such limited Times as herein-after mentioned, in case it shall in their Discretion seem expedient so to do, to make a further or additional Award for the Purpose of charging the Amount of Purchase Money or Compensation which may be found to be due to any Person upon the Proprietors of Lands in the District in respect of the said Drainage whereof such Claims shall arise, and to limit the Time within which all Claims for Compensation or otherwise may be made: Be it therefore enacted, That in all Cases where after the Completion of the Works in any District, and after the making the Final Award in relation to such Works, or after the Preparation by the said Commissioners of their Draft Award, and before the same shall be made final, any Person shall be awarded or otherwise be entitled to be paid Purchase Money or Compensation in respect of Injury sustained or arising from such Drainage, or the Works incidental thereto, it shall be lawful for the Commissioners of Public Works, without Meeting or other preliminary Proceeding, in case they deem it proper or expedient so to do, by a further or additional Award or Awards, in such Form as the said Commissioners may think proper, from Time to Time to charge upon the Lands of the Proprietors within such District the Amount which may be found to be due for such Purchase Money or Compensation to be paid to the Person entitled to the same, as and when the same shall be received by the said Commissioners, such Sum or Sums by any such additional Award, to be charged upon and paid out of the several Lands of the Proprietors in the District in such and the same Manner, and with the same Priority and the same Rights, Privileges, and Powers for the Recovery thereof, as in and by the said Acts, or any of them, are given for the Recovery of the

Charge Sums for Compensation, &c.

Sum specified in the Final Award: Provided nevertheless, that the Commissioners may declare that the Sums mentioned in such further or additional Awards shall be paid and payable at such Times and by such Instalments as the said Commissioners shall therein for that Purpose limit and direct, so nevertheless that the entire Amount thereof shall be payable as between the said Proprietors of Lands in the said District in the same Proportions as the Sum charged by the Final Award in such District.

Provisions of 16 & 17 Vict. declared to apply to Acts prior or subsequent to that Act.

X. It is declared that the Provisions of the Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-ninth, Thirty-third, and Thirty-sixth Sections of the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty, shall apply and be deemed to have applied to all Acts whatsoever done or omitted to be done either prior or subsequent to the passing of the said Act or of this Act; and that in no Case whatsoever shall any Person whatever be entitled to proceed at Law or in Equity to recover Compensation for or by reason of any Act or Omission whatsoever by or on the Part of the Commissioners heretofore or hereafter done or omitted to be done, or by reason of any Works or Acts whatsoever heretofore done or professed to be done, or hereafter to be done or professed or intended so to be by the Commissioners under the Authority or in pursuance of the Provisions of any of the said Acts or of this Act, save in the Manner specified in and by the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty: Provided always, that no Person shall be entitled to take any Proceedings for or in respect or by reason of or arising from any such Act or Acts heretofore or hereafter done or omitted to be done, save within *Six* Months after the doing or omitting to do the Act complained of, or in Cases where such Period of *Six* Months has already elapsed, then within *Six* Months after the passing of this Act: Provided that nothing herein contained shall extend to revive the Authority to make Application under the Thirty-third Section of the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty, when the Time limited for such Application has expired before the passing of this Act: Provided further, that the Submission of any Claim to Arbitration by the said Commissioners, under the said recited Acts or this Act, shall not be considered as an Admission of the Right of the Party making such Claim, but that in the Proceeding upon any Arbitration it shall be lawful and competent for the said Commissioners or the Committee in such District, and all Parties interested in the Matter of such Arbitration, not only to dispute the Amount of Compensation claimed,

but

but also the Right of the Claimant to receive any Compensation whatever: Provided also, that nothing herein contained shall extend to prejudice or affect any Proceedings in any Court of Law or Equity had or commenced before the passing of this Act.

Power to set-off Benefit resulting during Execution of the Works.

XI. In all Cases of Claims for Compensation or Purchase Money made or to be made upon the said Commissioners it shall lawful for the said Commissioners to set off against such Claims the Value of any Benefit which may have resulted or accrued to the Lands of the Party or Person making such Claim during the Execution of the Works of the said Commissioners, and before the making of the Final Award for the District in which such Lands may be situate; and the Arbitrator before whom any such Claim shall be made, when setting forth the Price or Compensation to be paid in respect of any such Claim, and the Jury before whom the Trial of any Traverse against the Award of such Arbitrator shall be had shall take into consideration any Advantages or Benefit which may have resulted or accrued as aforesaid to the Lands of the Party or Person making such Claim.

Power to the Commissioners to release a Portion of the Lands.

XII. It shall be lawful for the said Commissioners of Public Works, with the Sanction of the Commissioners of Her Majesty's Treasury, from Time to Time and at any Time, (when and so often as by reason of the Redemption of any Part of the Monies charged under any Award of the said Commissioners upon the Lands of any Proprietor the annual Instalments payable in respect of the Lands mentioned in such Award shall be reduced,) by any Deed or Instrument under the Hands and Seals of the said Commissioners, or any Two of them, to release any of the Lands originally charged with the Payment of any Instalment under any such Award as aforesaid; and no Release of any Portion of the Lands charged under any such Award shall in anywise avoid, diminish, or affect any Remedies by the Acts herein-before recited or otherwise given to be had and exercised for the Recovery of the Monies by any such Award charged in respect of the Residue of the Lands charged therewith.

5 & 6 Vict. c. 89. ss. 119. 120. 121. and 16 & 17 Vict. c. 130. ss. 41. 42. 43. Trustees to be appointed for Drainage Districts connected with Navigation.

XIII. Anything in the said recited Act of the Fifth and Sixth Years of the Reign of Her present Majesty to the contrary notwithstanding, the Provisions of the said Act or any of the Acts amending the same, as far as regards the Appointment of Trustees for the Maintenance of Works of Drainage, and the several Powers and Authorities of such Trustees when so appointed shall be held and deemed equally to apply to all Works of Drainage, though a Navigation may have been improved or formed, or a Reservoir may have been formed in connexion with such Drainage.

 XIV. Pro-

Providing for Trustees in case of One Proprietor in a District, or not exceeding Four.

XIV. Provided always, That, anything in the said recited Acts to the contrary, in all Cases where there is only One Proprietor in any Drainage District, or where the Proprietors in any District do not exceed Six in Number, such One Proprietor or such Proprietors not exceeding Six, or other Persons nominated by them or any Two of them at any Meeting for the Purpose, shall be the Trustee or Trustees for the Maintenance of the Works in such District.

Acts to be construed as One Act.

Interpretation.

16 & 17 Vict. c. 13. s. 45.

XV The several Acts mentioned in this Act shall be construed together as One Act; and the several Words and Expressions to which an extended Signification is given in the said Acts, or any of them, shall have the like Signification as this Act; and (save where such Construction would be inconsistent with the Context) the Expression "the Commissioners," where used in this Act, shall mean the Commissioners of Public Works in Ireland.

(Ireland.)

A

BILL

To authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland.

(Prepared and brought in by the Chancellor of the Exchequer and Mr. Wilson).

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1855.

[Bill 239.]

Under 2 oz.

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland.

[Note.—*The Clauses* A., B., *and* C. *were added in Committee.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, "To promote the Drainage of Lands and "Improvement of Navigation and Water Power in connexion with "such Drainage in Ireland:" And whereas the said Act was amended by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-nine, and by an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Four, and by an Act passed in the same Session of Parliament, Chapter Eighty-six, and by an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine, and by an Act passed in a Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty: And whereas, by the said Act of the Ninth and Tenth Years of Her

Preamble. 5 & 6 Vict. c. 89. 8 & 9 Vict. c. 69. 9 & 10 Vict. cc. 4. and 86. 10 & 11 Vict. c. 79. 16 & 17 Vict. c. 130. 9 & 10 Vict. c. 4. s. 33.

Her Majesty, Chapter Four, it is enacted, that in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expense of making or improving any such Navigation should or might be made under the Authority of Parliament, and the other Moiety or Residue of the Expense of making or improving such Navigation should or might be raised or advanced by way of Loan under the Provisions of the therein recited Acts or the said Act now in recital, then such Moiety or Residue so raised or advanced should, with Interest from the Date of such Loan, be charged upon the District which, by the Declaration to be made in such Case by the said Commissioners under the Provisions of the therein first-recited Act, it should be declared would be benefited by the making or improving of such Navigation, and the several Baronies, Half Baronies, and Townlands in such District, and should be repaid by and levied from such Baronies, Half Baronies, and Townlands in the Proportions in which it should be so declared that such Baronies, Half Baronies, and Townlands would be respectively benefited, in One Sum or by Instalments, under and subject to the several Provisions and Regulations in the therein recited Acts or the Act now in recital contained in relation to the Levy and Recovery of any Sums which under the Final Award of the said Commissioners should be payable by the Grand Jury of any County in respect of the Improvement of the Navigation of any River:

10 & 11 Vict. c. 79. s. 3.

And whereas by the said Act of the Tenth and Eleventh Years of Her Majesty it is enacted, that in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expenses of making or improving any such Navigation should be or should have been made by the Authority of Parliament, and the other Moiety or Residue of the Expense of making or improving such Navigation should be or should have been raised or advanced by way of Loan, then such Moiety or Residue so raised or advanced should be charged upon the District therein mentioned, and the several Baronies, Half Baronies, and Townlands in such District, and should be repaid by and levied from such Baronies, Half Baronies, and Townlands, without any Declaration of the Justices and associated Cess-payers, and without any Presentment previously made by the Grand Jury of the County or any of the Counties wherein such District as aforesaid should be situate; and in all such Cases all Proceedings thitherto taken by or before the Commissioners for the Execution of the said Acts under the therein-recited Provision, and all Loans, if any, made to them, and all Securities given by them for the same under such Provision, should be valid and effectual, notwithstanding any Omission or Defect as regards any such Declaration or Presentment as aforesaid: And whereas in connexion with the Drainage of Lands in certain Districts, the Four several Navigations herein-after mentioned have been

been undertaken and in part executed under the Provisions of the said recited Acts of the Ninth and Tenth and Tenth and Eleventh Years of Her Majesty; (that is to say,)

1st. In the District of Lough Neagh, situate in the Counties of Antrim, Derry, Tyrone, Armagh, and Down, the Navigation of the Lower Bann River from the Bridge of Coleraine in the tidal Part of the said River to Lough Neagh, and extending thence to the First Lock or Entrance of the Lagan, Newry, Ulster, and Coal Island Canals:

2d. In the District of Loughs Oughter and Gowna and River Erne, situate in the Counties of Fermanagh and Cavan, the Navigation from Belcek by the Course of Upper and Lower Lough Erne, Lough Oughter and the River Erne, and the Towns of Enniskillen and Belturbet to Killeshandra and near to the Town of Cavan:

3d. In the District of Ballynamore and Ballyconnell, situate in the Counties of Leitrim, Cavan, and Fermanagh, the Junction Navigation by the Course of the Woodford River and Lakes, from Lough Erne, at the Mouth of the said River, to the River Shannon near the Village of Leitrim:

4th. In the District of Loughs Corrib, Mask, and Carra, in the County of the Town of Galway and Counties of Galway and Mayo, the Navigation by the River and Lake Corrib, and Loughs Corrib, Mask, and Carra from the Sea at Galway to the Northern Extremity of the said Lough Mask and Carra, and to Cloon Lough in the River Aill:

And whereas free Grants to the Amount of One hundred and thirty-five thousand five hundred and seventy-three Pounds Three Shillings and Sevenpence have been heretofore made by the Authority of Parliament, for the Purposes of the said Navigations: And whereas it is expedient to make further Provision by way of free Grant for the Completion of the said Navigations respectively, or such of them or such Portions of them or any of them as, upon Inquiries already made or to be hereafter made under the Directions of the Commissioners of the Treasury, it may be deemed expedient to complete: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of the Sum of Eight hundred thousand Pounds which, by an Act passed in the Session of Parliament holden in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, is authorized to be issued to the Commissioners of Public Works in

The Treasury may issue Money for the Purposes of Completion. 13 & 14 Vict. c. 31. s. 11.

in Ireland, to issue such Sum as may be necessary towards defraying the Expenses incurred in respect of the Four several Navigations herein-before mentioned, and towards the Completion of such several Navigations, or such of them or such Parts of them or any of them as it may be considered by the Commissioners of the Treasury expedient and proper to complete.

The Treasury to authorize Completion of the Works.

II. The said Commissioners of the Treasury may authorize and direct the Commissioners of Public Works in Ireland to cause to be completed the Navigation Works so undertaken as aforesaid, or such of the same Works or such Portions of them or any of them as, upon any Inquiries already made or to be hereafter made under the Directions of the said Commissioners of the Treasury, such Commissioners of the Treasury may think fit, and with any Modifications or Alterations which to the said Commissioners of the Treasury may appear expedient; and the said Commissioners of Public Works shall have full Power and Authority to cause to be executed or completed the Works so authorized and directed by the said Commissioners of the Treasury to be completed or executed as aforesaid, and for that Purpose to do and execute all Acts and exercise all Powers and Authorities by the said Acts or this Act given for the Execution of any Work.

The Treasury may reduce the Portion of Expenses chargeable on Counties, &c.

III. It shall be lawful for the said Commissioners of the Treasury, when, upon any Inquiries made or to be made as aforesaid, it appears to them just that the Counties, Baronies, or Townlands to be charged under the Award in relation to the said Navigation Works heretofore or hereafter to be executed should be relieved from any Portion of the Moiety or Residue of the Expenses incurred in relation to such Works, to authorize and direct the said Commissioners of Public Works in and by their Award to be made under this Act to charge upon the Counties, Baronies, or Townlands made liable under such Award in respect of such Works such lesser Sum than the full Amount of such Moiety or Residue of the Expenses of and incidental to such Works as to the said Commissioners of the Treasury may, under the Circumstances of each of the said Navigations, appear just; and such lesser Sum shall be charged upon the County or Counties, Barony or Baronies, District, or Townland or Townlands, which, in Awards to be made by the Commissioners of Public Works as herein-after provided, it shall be stated and awarded will, in the Opinion of the said Commissioners, be benefited by the making of such Navigations, by such Instalments and at such Times as shall be mentioned in any such Awards.

IV. It

Advances which are not to be chargeable on Counties &c. to be free Grants.

IV. It shall be lawful for the said Commissioners of the Treasury to order and direct, as to any Sums of Money which out of the Funds applicable to Loans in aid of the said Navigation Works have been already advanced or issued, or may hereafter be advanced or issued, for the Execution of such Works, that so much of such Advances as in the Judgment of the said Commissioners of the Treasury should not be charged on any County, Barony, District, or Townland by the Awards of the Commissioners of Public Works should be and be deemed to be free Grants.

The Commissioners of Public Works to make an Award on Completion of the Works.

V. As soon as conveniently may be after any of the said Navigations shall have been completed in such Manner and to such Extent as shall be directed or approved of by the Commissioners of Her Majesty's Treasury, the said Commissioners of Public Works shall make an Award in such Manner and Form as may be convenient, specifying the total Amount of the Costs, Charges, and Expenses incurred in the making of any such Navigation, and showing the Portion which, under the Authority of the Commissioners of the Treasury, is to be charged of such Costs and Charges, together with the County or Counties, Barony or Baronies, Townland or Townlands, or any Part thereof, to be charged with such Portion of such Costs and Expenses as aforesaid, and the Instalments by and the Manner in which the Amount of such Portion is to be paid, as also the Proportions in which such County or Counties, Barony or Baronies, or Townlands, are to be chargeable towards such Portion of the Costs and Expenses aforesaid.

The Commissioners to certify Amount to the Grand Jury of the County, who are to make Presentment accordingly.

VI. The Secretary of said Commissioners of Public Works shall, after the making of such Award, certify to the Secretary of the Grand Jury of every County, County of a City, or County of a Town in which the Lands chargeable shall be situate, the Amount of such Sum of Money and the Instalments and Manner by and in which the same is payable under the Award of the said Commissioners, and every such Grand Jury is hereby required, at the Assizes next ensuing the Date of such Certificate, without Application to Presentment Sessions, to make Presentment of the Amount mentioned in such Certificate to be raised off the County at large, Barony or Baronies, Townland or Townlands, as may be mentioned in any such Award or Certificate, by the Instalments and in the Manner mentioned in such Certificate; and in default of such Presentment the Treasurer of such County, County of a City, or County of a Town is hereby required, without Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, and from Time to Time after each succeeding Assizes (until the whole of the Instal-

ments by any such Certificate payable shall be fully paid off and discharged), to insert in a separate Warrant to be by him issued for the Levy of the same the Amount mentioned in such Certificate to be raised off such County, Barony or Baronies, Townland or Townlands, therein mentioned; and such Amounts as shall be so presented, or so included in any such Warrant as aforesaid, shall be applotted, raised and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess and when and so soon as such Amount as aforesaid shall be from Time to Time raised and received by the Treasurer of the County such Treasurer shall immediately pay the same to the Paymaster of Civil Services in Ireland for the Time being, and the same shall be by him paid into Her Majesty's Exchequer, in discharge of the Sum mentioned in any such Award.

Awards in respect of Drainage not to be affected, and to be made as if no Work of Navigation had been connected therewith.

VII. Nothing herein contained shall extend to prevent the said Commissioners of Public Works from making their Awards in relation to the Drainage of the Lands in connexion with the Drainage of which the said Works of Navigation may have been undertaken, or in relation to the Improvement of Mill Power, or to affect or interfere with the Provisions in relation to such Awards; and such Awards may be made and all Provisions in relation thereto shall take effect in like Manner as if no Works of Navigation had been undertaken in connexion with such Drainage or Mill Improvement Works.

Navigations may be transferred to Counties.

VIII. It shall be lawful for the said Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, shall be deemed and become the public Property of the County, or Counties if more than One, in which respectively the Lands chargeable under the Award in relation to the said Navigations respectively are situate; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, shall be deemed and taken to be the public Property of such County or Counties as aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such County or Counties, with such Powers and Authorities and subject to such Provisions and Regulations as may hereafter be established by Parliament in relation thereto.

16 & 17 Vict. c. 130. s. 2. Power to

IX. Whereas by the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty, it is amongst other things enacted,

enacted, that it should be lawful for the said Commissioners of the Treasury to authorize and direct the said Commissioners of Public Works in Ireland, by their Award to be made under the said Acts, to charge upon the Lands made liable under such Award such lesser Sum than the full Amount of the Expenses of and incidental to Works as to the said Commissioners of the Treasury might under the Circumstances of each Case appear just; provided always, that in all Cases the whole Amount of the Purchase Money or Compensation payable in respect of Land taken for or injuriously affected by any Works commenced and completed or executed, should be included in or charged under the Award to be made in relation to such Works: And whereas it frequently happens that Claims are made after Completion of the Works in the District and in respect of which an Award has been made or is about to be made, and at Times when there are no Funds in the Hands of the said Commissioners or otherwise available for or properly applicable to the Payment of such Claims; and it is expedient to authorize the Commissioners in such Cases, within such limited Times as herein-after mentioned, in case it shall in their Discretion seem expedient so to do, to make a further or additional Award for the Purpose of charging the Amount of Purchase Money or Compensation which may be found to be due to any Person upon the Proprietors of Lands in the District in respect of the said Drainage whereof such Claims shall arise, and to limit the Time within which all Claims for Compensation or otherwise may be made: Be it therefore enacted, That in all Cases where after the Completion of the Works in any District, whether before or after the making the Final Award in relation to such Works, any Person shall be awarded or otherwise be entitled to be paid Purchase Money or Compensation in respect of Injury sustained or arising from such Drainage, or the Works incidental thereto, it shall be lawful for the Commissioners of Public Works, without Meeting or other preliminary Proceeding, in case they deem it proper or expedient so to do, by the first or by an additional Award or Awards, in such Form as the said Commissioners may think proper, from Time to Time to charge upon the Lands of the Proprietors within such District the Amount which may be found to be due for such Purchase Money or Compensation to be paid to the Person entitled to the same, as and when the same shall be received by the said Commissioners, such Sum or Sums by any such additional Award, to be charged upon and paid out of the several Lands of the Proprietors in the District in such and the same Manner, and with the same Priority and the same Rights, Privileges, and Powers for the Recovery thereof, as in and by the said Acts, or any of them, are given for the Recovery of the Sum specified in the Final Award: Provided nevertheless, that the Commissioners may declare that the Sums mentioned in such further

Charge Sums for Compensation, &c.

or additional Awards shall be paid and payable at such Times and by such Instalments as the said Commissioners shall therein for that Purpose limit and direct, so nevertheless that the entire Amount thereof shall be payable as between the said Proprietors of Lands in the said District in the same Proportions as the Sum charged by the Final Award in such District.

CLAUSE A. Limit of Time within which Claims to be made.

X. No Claim for Compensation or Damages in respect or by reason of any Act or Omission of the said Commissioners, or for or by reason of any Works whatsoever done or professed to be done by the said Commissioners, shall be made by Action, Suit, or otherwise, save within Six Months after the Act complained of.

CLAUSE B. Act not to abridge Powers of 16 & 17 Vict. c. 130.

XI. Nothing in this Act contained shall be deemed, taken, or construed to repeal, alter, or abridge any of the Provisions contained in the said Act of the Sixteenth and Seventeenth Victoria, Chapter One hundred and thirty.

Power to set off Benefit resulting during Execution of the Works.

XII. In all Cases of Claims for Compensation or Purchase Money made or to be made upon the said Commissioners it shall be lawful for the said Commissioners to set off against such Claims the Value of any Benefit which may have resulted or accrued to the Lands of the Party or Person making such Claim during the Execution of the Works of the said Commissioners, and before the making of the Final Award for the District in which such Lands may be situate; and the Arbitrator before whom any such Claim shall be made, when setting forth the Price or Compensation to be paid in respect of any such Claim, and the Jury before whom the Trial of any Traverse against the Award of such Arbitrator shall be had shall take into consideration any Advantages or Benefit which may have resulted or accrued as aforesaid to the Lands of the Party or Person making such Claim.

Power to the Commissioners to release a Portion of the Lands.

XIII. It shall be lawful for the said Commissioners of Public Works, with the Sanction of the Commissioners of Her Majesty's Treasury, from Time to Time and at any Time, (when and so often as by reason of the Redemption of any Part of the Monies charged under any Award of the said Commissioners upon the Lands of any Proprietor the annual Instalments payable in respect of the Lands mentioned in such Award shall be reduced,) by any Deed or Instrument under the Hands and Seals of the said Commissioners, or any Two of them, to release any of the Lands originally charged with the Payment of any Instalment under any such Award as aforesaid; and no Release of any Portion of the Lands charged under any such Award shall in anywise avoid, diminish, or affect any Remedies by the Acts herein-before recited

recited or otherwise given to be had and exercised for the Recovery of the Monies by any such Award charged in respect of the Residue of the Lands charged therewith.

XIV. Anything in the said recited Act of the Fifth and Sixth Years of the Reign of Her present Majesty to the contrary notwithstanding, the Provisions of the said Act or any of the Acts amending the same, as far as regards the Appointment of Trustees for the Maintenance of Works of Drainage, and the several Powers and Authorities of such Trustees when so appointed, shall be held and deemed equally to apply to all Works of Drainage, though a Navigation may have been improved or formed, or a Reservoir may have been formed in connexion with such Drainage.

5 & 6 Vict. c. 89. ss. 119. 120. 121. and 16 & 17 Vict. c. 130. ss. 41. 42. 43. Trustees to be appointed for Drainage Districts connected with Navigation.

XV. Provided always, That, anything in the said recited Acts to the contrary, in all Cases where there is only One Proprietor in any Drainage District, or where the Proprietors in any District do not exceed Six in Number, such One Proprietor or such Proprietors not exceeding Six, or other Persons nominated by them or any Two of them at any Meeting for the Purpose, shall be the Trustee or Trustees for the Maintenance of the Works in such District.

Providing for Trustees in case of One Proprietor in a District, or not exceeding Four.

CLAUSE C.

XVI. And whereas the said Commissioners of Public Works have put the Powers of the said recited Acts into operation in the District to which they have affixed the Name of the Lough Gara and Mantua District in Ireland, and in the Execution of the Works in the said District have partially deepened and widened the River Lung, situate in the Counties of Roscommon and Mayo: And whereas it is expedient that the said River should be further deepened and widened for the Purpose of draining additional Lands in the said District or its Vicinity: Be it therefore enacted, That it shall be lawful for One or more of the Proprietors of additional Lands to be drained in the said District, having first obtained the Consent in Writing of One Half of the Proprietors or more in extent of the Lands so proposed to be drained, to undertake the Execution of the Works necessary for further deepening and widening the said River, and to make and complete the same out of his or their own proper Funds, according to and in conformity with Plans, Sections, and Specifications approved of by the said Commissioners; and when such Works shall have been executed and completed to the Satisfaction of the said Commissioners, it shall be lawful for the said Commissioners to make an Award charging upon the Lands of the Proprietors within such District appearing to the said Commissioners to be benefited by such additional Works, the Amount of the Expenses incurred in respect of such additional Works, such Sum by any such Award to be

Power to further deepen the River Lung.

be charged upon and paid out of the several Lands of the Proprietors so benefited by such additional Works, in such Proportion as may appear to the said Commissioners just, and in the same Manner, and with the same Priority, Rights, and Powers for the Recovery thereof, as in the said Acts, or any of them, are given for the Recovery of any Sum charged under the Final Award of the said Commissioners in any District: Provided always, That the total Amount of the Expenses to be charged in respect of such additional Works shall not exceed the Sum of Five hundred Pounds.

Acts to be construed as One Act.
Interpretation.
16 & 17 Vict. c. 13. s. 45.

XVII. The several Acts mentioned in this Act shall be construed together as One Act; and the several Words and Expressions to which an extended Signification is given in the said Acts, or any of them, shall have the like Signification as this Act; and (save where such Construction would be inconsistent with the Context) the Expression "the Commissioners," where used in this Act, shall mean the Commissioners of Public Works in Ireland.

Navigation Works.

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

To authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in Ireland towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in Ireland.

(*Prepared and brought in by the Chancellor of the Exchequer and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed,* 3 *August* 1855.

[Bill 286.] *Under* 2 *oz.*

New South Wales Government Bill.

ARRANGEMENT OF CLAUSES.

1. Power to Her Majesty to assent to the Bill in Schedule (1.) to this Act.
2. Repeal of Portions of the Acts in Schedule (2.)
3. Provisions of former Acts respecting the Allowance and Disallowance of Bills preserved.
4. Power to repeal and alter the Provisions of the reserved Bill.
5. Definition of the Boundary of New South Wales and Victoria along the Murray River.
6. Provision for the Separation of Portions of the Territory of New South Wales.
7. Portions so separated may be erected into separate Colonies.
8. Commencement of the Act.
9. Interpretation.

SCHEDULES.

SCHEDULE (1.)

(No. 41.)—*An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty.*

Recital of 32d Clause of 13 & 14 Vict. c. 39.
1. Parliament of New South Wales; General Powers of the Parliament; Assent to Bills; Taxation and Appropriation Bills to originate in Assembly.
4. Appointment of Legislative Councillors.
5. Tenure of Office of Councillors.
6. Resignation of Councillors.
7. Vacating Seat by Absence.
8. Trial of Questions of Vacancy.
9. Appointment of President; President may take Part in Debates.
10. Quorum, Division, Casting Vote.
11. Convoking Assembly.
12. Number of Members of Assembly.
13. Qualification of Electors.
14. When joint Owners and Occupiers shall be entitled to be registered as Voters and to vote.
15. Division of the Colony into Electoral Districts, and the Number of Members to be returned by each; Electoral Districts.
16. Electoral Lists.
17. Power to alter System of Representation.
18. Qualification of Members of Assembly.
19. Members of Legislative Council incapable of being Members of Legislative Assembly.
20. Disqualifying Clause of Members of Assembly.

21. Further disqualifying Clause of Members of Assembly; Pensions of Officers of the Navy and Army.
22. Disqualifying Ministers of Religion.
23. Duration of Assembly.
24. Election of the Speaker.
25. Quorum, Division, Casting Vote.
26. Assembly may proceed to Business, although Writs not exceeding Five shall not have been returned.
27. Resignation of Seats in the Assembly.
28. Vacating Seats of Members of Assembly in certain Cases.
29. Election to take place on Vacancies.
30. Disqualifying Contractors and Persons interested in Contracts from being Members of either House; Proviso exempting from Disqualification Members of Companies exceeding Twenty in Number.
31. Election of disqualified Persons void; Penalty on their sitting or voting.
32. Place and Time of holding Parliament.
33. One Session of Parliament to be held in each Year.
34. First calling together of Parliament.
35. No Member to sit or vote until he has taken the following Oath of Allegiance.
36. Affirmation may be made instead of Oath.
37. Standing Rules and Orders to be made.
42. Legislature, as constructed by this Act, empowered to alter any of its Provisions.
44. Appointment to Offices under the Government of the Colony to be vested in the Governor.
45. Judges continued in the Enjoyment of their Offices during their good Behaviour notwithstanding any Demise of the Crown.
46. But they may be removed by the Crown on the Address of Parliament.
47. Their Salaries secured during the Continuance of their Commissions.
48. Existing Law saved.
49. Courts of Justice, Commissions, Officers, &c.
50. Legislature empowered to make Laws regulating Sale and other Disposal of Waste Lands.
51. Duties not to be levied on Supplies for Troops, nor any Duties inconsistent with Treaties.
52. Customs Duties may be imposed, not differential, though contrary to existing Acts of Parliament.
53. Boundaries of the Colony.
54. Boundaries of the Colonies of N. S. Wales, Victoria, and South Australia not to be altered without Legislative Sanction of the Colony parting with its Territory.

Preamble to Civil List Clauses.

55. All Duties and Revenues to form Consolidated Revenue Fund.
56. Such Fund permanently charged with Expenses of Collection.
57. Civil List of 64,300*l.* payable to Her Majesty.
58. Civil List to be accompanied by Surrender of all Revenues of the Crown.
59. Pensions payable to Judges of Supreme Court. Pensions payable to certain Officers liable to Removal from Office on Political Grounds. Provisoes in reference to Judges and such Officers.
60. Superannuation Pensions to certain other Officers not liable to Removal upon Political Grounds. To be regulated by Superannuation Act, 4 & 5 W. 4. c. 24.

61. Consolidated Revenue to be appropriated by the Act of the Legislature. Debenture or any other Charges on Consolidated Revenue Fund not to be affected by such Consolidation.

62. No Money Vote or Bill lawful unless recommended by Governor.

63. No Part of Public Revenue to be issued except on Warrant from Governor.

64. Proclamation and Commencement of the Act.

65. Interpretation of Term "Governor."

66. Provisions of this Act to have no Force until so much of 13 & 14 Vict. c. 59.; and so much also of 5 & 6 Vict. c. 76.; 5 & 6 Vict. c. 36.; and of 7 & 8 Vict. c. 72.; 7 & 8 Vict. c. 74.; 9 Geo. 4. c. 83.; and 9 & 10 Vict. c. 104.; as relates to this Colony, and is repugnant to reserved Bills, be repealed. And the entire Management of Crown Lands and all Revenues thence arising to be vested in the Local Legislature. This Provision not to affect any previous Contracts of Her Majesty respecting any such Lands, nor any vested Rights which have arisen under 9 & 10 Vict. c. 104., nor any vested Right or Interest which has accrued under any Order of Council issued by Her Majesty in Council in pursuance thereof.

SCHEDULES (A.) to (C.)

SCHEDULE (2).

Acts repealed so far as inconsistent with this Act.

A

BILL

TO

Enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty."

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS the Legislative Council of the Colony of New South Wales, constituted and assembled by virtue of and under the Authority of an Act of Parliament passed in the Fourteenth Year of Her Majesty, Chapter Fifty-nine, intituled "An "Act for the better Government of Her Majesty's Australian "Colonies," did, in the Year One thousand eight hundred and fifty-three pass a Bill, intituled "An Act to confer a Constitution on New "South Wales, and to grant a Civil List to Her Majesty;" of which Bill, amended as herein-after provided, a Copy is contained in Schedule (A.) to this present Act annexed: And whereas the said Bill was presented for Her Majesty's Assent to the then Governor of the said Colony of New South Wales; and the said Governor did thereupon declare that he reserved the said Bill for the Signification of Her Majesty's Pleasure thereon: And whereas it is by the said reserved Bill provided, that the Provisions thereof shall have no Force or Effect until so much and such Parts of certain Acts of Parliament in the said Bill specified as relate to the said Colony, and are repugnant to the said reserved Bill, shall have been repealed, and the entire Management and Control of the Waste Land belonging Preamble.

to the Crown in the said Colony, and also the Appropriation of the gross Proceeds of the Sales of any such Lands, and of all other Proceeds and Revenues of the same, from whatever Source arising within the said Colony, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the Authority of Parliament for that Purpose: And whereas it is expedient that Her Majesty should be authorized to assent to the said reserved Bill, amended by the Omission of certain Provisions thereof, respecting the Assent of the Governor to the Bills which may be passed by the Legislative Councils and Assemblies of the said Colony, and Her Majesty's Power to disallow the same, and that so much and such Parts as aforesaid of the said specified Acts of Parliament should thereupon be repealed: And that the entire Management and Control of the said Waste Lands and Proceeds should be vested in the Legislature of the said Colony: And whereas a Copy of the said Bill as amended as aforesaid is set forth in the Schedule (1.) to this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty to assent to the Bill in Schedule (1.) to this Act.

I. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as amended as aforesaid, and contained in Schedule (1.) to this present Act annexed, anything in the said specified Acts of Parliament, or any other Act, Law, Statute, or Usage to the contrary in anywise notwithstanding.

Repeal of Portions of the Acts in Schedule (2.)

II. From the Day of the Proclamation of this Act in the said Colony of New South Wales (the said reserved Bill, as amended as aforesaid, having been previously assented to by Her Majesty in Council as aforesaid,) so much and such Parts of the several Acts of Parliament mentioned in the Schedule (2.) of this Act as severally relate to the said Colony of New South Wales, and are repugnant to the said reserved Bill, amended as aforesaid, shall be repealed; and the entire Management and Control of the Waste Lands belonging to the Crown in the said Colony, and also the Appropriation of the gross Proceeds of the Sales of any such Lands, and of all other Proceeds and Revenues of the same, from whatever Source, arising within the said Colony, including all Royalties, Mines, and Minerals, shall be vested in the Legislature of the said Colony: Provided, that so much of the Acts of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Fifty-nine, and Fifth and Sixth Years of Her Majesty, Chapter Seventy-six, mentioned in the said Schedule, as relates to the Constitution,

Constitution, Appointment, and Powers of the Legislative Council of the said Colony of New South Wales, shall continue in force until the First Writs shall have issued for the Election of Members to serve in the House of Assembly, in pursuance of the Provisions of the said reserved Bill, amended and assented to as aforesaid, but no longer; Provided, that nothing herein contained shall affect or be construed to affect any Contract or to prevent the Fulfilment of any Promise or Engagement made by or on behalf of Her Majesty, with respect to any Lands situate in the said Colony, in Cases where such Contracts, Promises, or Engagements shall have been lawfully made before the Time at which this Act shall take effect within the said Colony, nor to disturb or in any way interfere with or prejudice any vested or other Rights which have accrued or belong to the licensed Occupants or Lessees of any Crown Lands within or without the settled Districts, under and by virtue of the Provisions of any of the Acts of Parliament so repealed as aforesaid, or of any Order or Orders of Her Majesty in Council issued in pursuance thereof.

Provisions of former Acts respecting the Allowance and Disallowance of Bills preserved.

III. The Provisions of the before-mentioned Act of the Fourteenth Year of Her Majesty, Chapter Fifty-nine, and of the Act of the Sixth Year of Her Majesty, Chapter Seventy-six, intituled "An Act "for the Government of New South Wales and Van Diemen's "Land," which relate to the giving and withholding of Her Majesty's Assent to Bills, and the Reservation of Bills for the Signification of Her Majesty's Pleasure thereon, and the Instructions to be conveyed to Governors for their Guidance in relation to the Matters aforesaid, and the Disallowance of Bills by Her Majesty, shall apply to Bills to be passed by the Legislative Council and Assembly constituted under the said reserved Bill and this Act, and by any other Legislative Body or Bodies which may at any Time hereafter be substituted for the present Legislative Council and Assembly.

Power to repeal and alter the Provisions of the reserved Bill.

IV. It shall be lawful for the Legislature of New South Wales to make Laws altering or repealing all or any of the Provisions of the said reserved Bill, in the same Manner as any other Laws for the good Government of the said Colony, subject, however, to the Conditions imposed by the said reserved Bill on the Alteration of the Provisions thereof in certain Particulars, until and unless the said Conditions shall be repealed or altered by the Authority of the said Legislature.

Definition of the Boundary of New South Wales and Victoria

V. And whereas by the before-mentioned Act of the Fourteenth Year of Her Majesty, Chapter Fifty-nine, it is amongst other things enacted, that the Territories therein described as bounded on the North and North-east by a straight Line drawn from Cape How to

along the Murray River.

the nearest Source of the River Murray, and thence by the Course of that River to the Eastern Boundary of the Colony of South Australia, should be erected into a separate Colony to be known and designated as the Colony of Victoria: And whereas Doubts have been entertained as to the true Meaning of the said Description of the Boundary of the said Colony: It is hereby declared and enacted, That the whole Watercourse of the said River Murray, from its Source therein described to the Eastern Boundary of the Colony of South Australia, is and shall be within the Territory of New South Wales: Provided nevertheless, that it shall be lawful for the Legislatures, and for the proper Officers of Customs of both the said Colonies of New South Wales and Victoria, to make Regulations for the levying of Customs Duties on Articles imported into the said Two Colonies respectively by way of the River Murray, and for the Punishment of Offences against the Customs Laws of the said Two Colonies respectively committed on the said River, and for the Regulation of the Navigation of the said River by Vessels belonging to the said Two Colonies respectively: Provided also, that it shall be competent for the Legislatures of the said Two Colonies, by Laws passed in concurrence with each other, to define in any different Manner the Boundary Line of the said Two Colonies along the Course of the River Murray, and to alter the other Provisions of this Section.

Provision for the Separation of Portions of the Territory of New South Wales.

VI. If Her Majesty shall at any Time exercise the Power given to Her by the said reserved Bill of altering the Northern Boundary of New South Wales, and if She shall in the Exercise of such Power separate from the said Colony any entire Electoral Districts, the Electoral Districts so separated shall cease to return Members to the Assembly of New South Wales; and if She shall, in the Exercise of such Power as aforesaid, separate from the said Colony any Portions of Electoral Districts, the remaining Portions not separated shall continue to return to the said Assembly the same Number of Members as if no such Separation had taken place, until the Legislature of New South Wales shall otherwise provide; and the said Assembly shall retain, so far as concerns the Colony of New South Wales as constituted after such Separation, all the Powers and Functions vested in it, though it may not thereafter consist of the same Number of Members as before.

Portions so separated may be erected into separate Colonies.

VII. It shall be lawful for Her Majesty, by Letters Patent to be from Time to Time issued under the Great Seal of the United Kingdom of Great Britain and Ireland, to erect into a separate Colony or Colonies any Territories which may be separated from New South Wales by such Alteration as aforesaid of the Northern Boundary thereof; and in and by such Letters Patent or by Order in Council to

to make Provision for the Government of any such Colony, and for the Establishment of a Legislature therein, in manner as nearly resembling the Form of Government and Legislature which shall be at such Time established in New South Wales as the Circumstances of such Colony will allow; and full Power shall be given in and by such Letters Patent or Order in Council to the Legislature of the said Colony to make further Provision in that Behalf.

Commencement of the Act.

VIII. This Act shall be proclaimed in New South Wales by the Governor thereof, within One Month after a Copy thereof shall have been received by such Governor, and this Act and the said reserved Bill, as amended as aforesaid (such Bill being first attested to by Her Majesty in Council), shall take effect in the said Colony from the Day of such Proclamation.

Interpretation.

IX. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of New South Wales: and the Word "Legislature" shall include as well the Legislature to be constituted under the said reserved Bill and this Act, as any future Legislature which may be established in the said Colony under the Powers in the said reserved Bill and this Act contained.

SCHEDULES to which this Act refers.

SCHEDULE (1.)

ANNO DECIMO SEPTIMO VICTORIÆ REGINÆ.

By his Excellency Sir Charles Augustus Fitzroy, Knight Companion of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Australian Possessions, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice Admiral of the same, with the Advice and Consent of the Legislative Council.

No. XLI.

An Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty.

Recital of 32d Clause of 13 & 14 Vict. c. 39.

WHEREAS by the Thirty-second Clause of the Imperial Act passed in the Session holden in the Thirteenth and Fourteenth Years of the Reign of her present Majesty, intituled, "An Act for the better Government of Her "Majesty's Australian Colonies," it was among other things enacted, that not notwithstanding anything therein before contained, it should be lawful for the Governor and Legislative Council of this Colony, from Time to Time, by any Act or Acts, to alter the Provisions or Laws for the Time being in force under the said Imperial Act or otherwise, concerning the Election of the elective Members of such Legislative Council and the Qualification of Electors and elective Members, or to establish in the said Colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist of such Members, to be appointed or elected by such Person and in such Manner, as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the Powers and Functions of the Legislative Council for which the same may be substituted: And whereas it is expedient that the Powers vested by the said Act in the said Governor and Legislative Council should be exercised, and that a Legislative Council and a Legislative Assembly, as constituted by this Act, should be substituted for the present Legislative Council, with the increased Powers and Functions herein-after contained: Be it therefore enacted by His Excellency the Governor of New South Wales with the Advice and Consent of the Legislative Council thereof, as follows—

Parliament of New South Wales.

General Powers of the Parliament.

Assent to Bills.

I. There shall be in place of the Legislative Council now subsisting, One Legislative Council and One Legislative Assembly, to be severally constituted and composed in the Manner herein-after prescribed; and within the said Colony of New South Wales Her Majesty shall have Power, by and with the Advice and Consent of the said Council and Assembly, to make Laws for the Peace,

Peace, Welfare, and good Government of the said Colony in all Cases whatsoever: Provided, that all Bills for appropriating any Part of the Public Revenue for imposing any new Rate, Tax, or Impost, subject always to the Limitation contained in Clause Sixty-two of this Act, shall originate in the Legislative Assembly of the said Colony. Taxation and Appropriation Bills to originate in Assembly.

IV. For the Purpose of composing the Legislative Council of New South Wales, it shall be lawful for Her Majesty, before the Time to be appointed for the First Meeting of the said Legislative Council and Assembly, by an Instrument under the Sign Manual, to authorize the Governor, with the Advice of the Executive Council, in Her Majesty's Name, by an Instrument or Instruments under the Great Seal of the said Colony, to summon to the said Legislative Council of the said Colony such Persons, being not fewer than Twenty-one, as the said Governor and Executive Council shall think fit; and it shall also be lawful for Her Majesty from Time of Time to authorize the Governor in like Manner to summon to the said Legislative Council such other Person or Persons as the said Governor and Executive Council shall think fit, and every Person who shall be so summoned shall thereby become a Member of the Legislative Council of the said Colony: Provided always, that no Person shall be summoned to the said Legislative Council who shall not be of the full Age of Twenty-one Years, and a natural-born Subject of Her Majesty, or naturalized by an Act of the Imperial Parliament, or by an Act of the Legislature of the said Colony: Provided also, that not less than Four Fifths of the Members so summoned to the Legislative Council shall consist of Persons not holding any Office of Emolument under the Crown, except Officers of Her Majesty's Sea and Land Forces on Full or Half Pay, or retired Officers on Pensions. Appointment of Legislative Councillors.

V. The Members of the First Legislative Council of the said Colony who shall be so summoned by the Governor, with the Advice of the Executive Council, shall hold their respective Seats therein for Five Years from the Date of the First Summonses to the said Legislative Council; but all future Members of the said Legislative Council who shall be summoned thereto, after the Expiration of the said Five Years, by the Governor, with the Advice of the Executive Council as aforesaid, shall hold their Seats therein for the Term of their natural Lives, subject, nevertheless, to the Provisions herein-after contained for vacating the same, and for altering and amending the future Constitution of the said Colony as established by this Act. Tenure of Office of Councillors.

VI. It shall be lawful for any Member of the Legislative Council to resign his Seat therein by a Letter to the Governor, and upon the Receipt of any such Letter by the Governor the Seat of such Legislative Councillor shall become vacant. Resignation of Councillors.

VII. If any Legislative Councillor shall for Two successive Sessions of the Legislature of the said Colony fail to give his Attendance in the said Legislative Council, without the Permission of Her Majesty or of the Governor of the Colony, signified by the said Governor to the Legislative Council, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or shall do, concur Vacating Seat by Absence.

in, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or whereby he may become entitled to the Rights, Privileges, or Immunities of a Subject or Citizen of any Foreign State or Power, or shall become bankrupt, or take the Benefit of any Law relating to Insolvent Debtors, or become a Public Contractor or Defaulter, or be attainted of Treason, or be convicted of Felony or of any infamous Crime, his Seat in such Council shall thereby become vacant.

Trial of Questions of Vacancy.

VIII. Any Question which shall arise respecting any Vacancy in the Legislative Council, on occasion of any of the Matters aforesaid, shall be referred by the Governor to the said Legislative Council, to be by the said Legislative Council heard and determined: Provided always, that it shall be lawful either for the Person respecting whose Seat such Question shall have arisen, or for Her Majesty's Attorney General for the said Colony, on Her Majesty's behalf, to appeal from the Determination of the said Council in such Case to Her Majesty, and that the Judgment of Her Majesty, given with the advice of Her Privy Council, thereon shall be final and conclusive to all Intents and Purposes.

Appointment of President.

President may take Part in Debates.

IX. The Governor of the Colony shall have Power and Authority from Time to Time, by an Instrument under the Great Seal of the said Colony, to appoint One Member of the said Legislative Council to be President thereof, and to remove him and appoint another in his Stead; and it shall be at all Times lawful for the said President to take Part in any Debate or Discussion which may arise in the said Legislative Council.

Quorum Division, Casting Vote.

X. The Presence of at least One Third of the Members of the said Legislative Council, exclusive of the President, shall be necessary to constitute a Quorum for the Despatch of Business; and all Questions which shall arise in the said Legislative Council shall be decided by a Majority of Votes of the Members present, other than the President, and when the Votes shall be equal, the President shall have the Casting Vote: Provided always, that if the whole Number of Members constituting the said Legislative Council shall not be exactly divisible by Three, the Quorum of the said Legislative Council shall consist of such whole Number as is next greater than One Third of the Members of the said Legislative Council.

Convoking Assembly.

XI. For the Purpose of constituting the Legislative Assembly of the said Colony, it shall be lawful for the Governor thereof, within the Time hereinafter mentioned, and thereafter from Time to Time as Occasion shall require, in Her Majesty's Name, by an Instrument or Instruments under the Great Seal of the said Colony, to summon and call together a Legislative Assembly in and for the said Colony.

Number of Members of Assembly.

XII. The Legislative Assembly shall for the present consist of Fifty-four Members, to be elected by the Inhabitants of the said Colony, having any of the Qualifications mentioned in the next succeeding Clause of this Act.

Qualification of Electors.

XI The Qualifications for Electors of the Legislative Assembly shall be a follows:—Every Man of the Age of Twenty-one Years, being a natural-born or naturalized Subject of Her Majesty, or legally made a Denizen of New South Wales, and having a Freehold Estate in possession, situate in the District for which

which his Vote is to be given, of the clear Value of One hundred Pounds Sterling Money, above all Charges and Incumbrances in any way affecting the same, of or to which he has been seised or entitled, either at Law or in Equity, for at least Six Calendar Months next before the last Registration of Electors, or being a Householder within such District, occupying any House, Warehouse, Counting House, Office, Shop, or other Building, of the clear annual Value of Ten Pounds Sterling Money, and having occupied the same for Six Calendar Months next before such Registration as aforesaid, or having a Leasehold Estate in possession, situate within such District, of the Value of Ten Pounds Sterling Money per Annum, held upon a Lease which at the Time of such Registration has not less than Three Years to run, or having a Leasehold Estate so situate and of such Value as aforesaid, of which he has been in possession for Three Years or upwards next before such Registration, or holding at the Time of such Registration a Licence from the Government to depasture Lands within the District for which his Vote is to be given, or having a Salary of One hundred Pounds a Year, and having enjoyed the same for Six Calendar Months next before such Registration, or being the Occupant of any Room or Lodging, and paying for his Board and Lodging Forty Pounds a Year, or for his Lodging only at the Rate of Ten Pounds a Year, and having occupied the same Room or Lodging for Six Calendar Months next before such Registration as aforesaid, shall be entitled to vote at the Election of a Member of the Legislative Assembly: Provided always, that no Man shall be entitled to vote who has been attainted or convicted of Treason, Felony, or other infamous Offence in any Part of Her Majesty's Dominions, unless he have received a free or conditional Pardon for such Offence, or have undergone the Sentence passed on him for such Offence; and provided also, that no Man shall be entitled to vote, unless at the Time of such Registration of Electors he shall have paid up all Rates and Taxes which shall have become payable by him as Owner or Leaseholder in respect of such Estate, or as Occupier in respect of such Occupancy, or as the Holder of a Licence in respect of such Licence, except such as shall have become payable during Three Calendar Months next before such Registration.

When joint Owners and Occupiers shall be entitled to be registered as Voters and to vote.

XIV. Where any Premises are jointly owned, occupied, or held on Lease within the Meaning of the last preceding Clause, by more Persons than One, each of such joint Owners, Occupiers, or Leaseholders shall be entitled to be registered as a Voter and to vote in respect of the said Premises in case the Value of his individual Interest therein, separately considered, would, under the first Four Provisions of the said last preceding Section, entitle such Owner, Occupier, or Leaseholder to be registered as a Voter and to vote.

Division of the Colony into Electoral Districts, and the Number of Members to be to be returned by each.

XV. Until further Provision shall be made by the Legislature of the said Colony all the Provisions contained in "The Electoral Act of 1851," passed by the late Legislative Council in the Fourteenth Year of Her Majesty's Reign, numbered Forty-seven, except so much of the First Clause thereof as relates to the Number and Constitution of the present Legislative Council, and so much of the Third and other Clauses thereof as is repugnant to this Act, shall be in force and apply to the Election of Members to serve in the Legislative Assembly constituted under this Act, except as follows:

Electoral Districts.

The Electoral Districts of East Camden and West Camden shall each return Two Members instead of One Member to serve in the said Legislative

Assembly; the Electoral District of the united Counties of Cook and Westmoreland shall return Two Members; the Counties of Murray, Saint Vincent, Roxburgh, and Wellington shall each form an Electoral District, and each return One Member; the County of Cumberland shall be divided into Two Ridings, to be called the North and South Ridings, the North Riding commencing where the great Western Road crosses Johnstone's Creek, and bounded on the South by the Centre of that Road, bearing westerly to where it crosses the Southern Boundary of the Electoral District of Parramatta, near Beckett's Bridge, thence by Part of the Southern, by the Eastern, Northern, and Western Boundaries of the said Electoral District to the great Western Road near the Toll Bar, thence again by the Centre of that Road, bearing westerly to Emu Ferry on the Nepean River; on the West and North by the Nepean and Hawkesbury Rivers to Broken Bay, and on the East by the Sea Coast and the Southern Shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the Point of Commencement, exclusive of the Hamlets of Saint Leonard's and Balmain, and also excluding so much of the Cumberland Boroughs as is embraced by the Towns of Windsor and Richmond, and also so much of the Borough of Penrith as is situated on the North Side of the Western Road, and the South Riding, commencing where the great Western Road crosses Johnstone's Creek, and bounded on the North by the Centre of that Road, bearing westerly to where it crosses the Southern Boundary of the Electoral District of the Town of Parramatta near Beckett's Bridge, thence by Part of the Southern Boundary of the said Electoral District, bearing westerly to the great Western Road near the Toll Bar, thence again by the Centre of that Road, bearing westerly to Emu Ferry on the Nepean River; on the West by that River upwards to the Confluence of the Cataract River; on the South by that River upwards to its Source, and thence by a Line bearing East Twenty Degrees South to the Coast at Bulli, being the Southern Boundary of the County of Cumberland; on the East by the Sea Coast to Port Jackson, and again on the North by the Southern Shores of Port Jackson to Johnstone's Creek, and by Johnstone's Creek to the Point of Commencement, exclusive of the City of Sydney and the Hamlets of Paddington, Surry Hills, Redfern, Chippendale, O'Connell Town, Camperdown, and Glebe, and also excluding so much of the Cumberland Boroughs as is embraced by the Towns of Liverpool and Campbell Town, and also so much of the Borough of Penrith as is situated on the South Side of the Western Road; and each of the said Ridings shall return Two Members; the united Counties of Northumberland and Hunter shall return Three Members instead of Two; the County of Durham shall return Three Members instead of Two; the City of Sydney shall return Four Members instead of Three; the Sydney Hamlets, the Town of Parramatta, the Northumberland Boroughs, and the Stanley Boroughs, shall each return Two Members instead of One Member; the Electoral Districts of the pastoral Districts of the Murrumbidgee, of the Lachlan and Lower Darling, of Liverpool Plains and the Gwydir, and of New England and the M'Leay, shall each return Two Members instead of One Member to serve in the said Legislative Assembly as aforesaid.

XVI. The

Electoral Lists.

XVI. The new Classes of Electors entitled to vote by this Act at the Election of Members of the Legislative Assembly shall be inserted in the Electoral Lists appointed to be made by "The Electoral Act of 1851," in the Electoral Districts in which they shall be respectively resident; and all such Lists shall specify the Christian and Surnames of all such Electors, the Nature of the Qualification, and the Place where they respectively reside; and all such Lists shall be signed, delivered, printed, and hung up for public Inspection by the Persons and in the Way in the said Act prescribed, and shall be subject to the like Claims and Notice from any Person whose Name shall have been omitted therein, and to the like Objections and Notice as to the Names of any Person inserted therein, and to the like Modes of altering, amending, or continuing any such Lists as are in these said several respects provided for in the said Electoral Act of 1851, as nearly as may be consistently with the Rights of such new Electors.

Power to alter System of Representation.

XVII. It shall be lawful for the Legislature of the Colony, by any Act or Acts to be hereafter passed, to alter the Divisions and Extent of the several Counties, Districts, Cities, Towns, Boroughs, and Hamlets which shall be represented in the Legislative Assembly, and to establish new and other Divisions of the same, and to alter the Apportionment of Representatives to be chosen by the said Counties, Districts, Cities, Towns, Boroughs, and Hamlets respectively, and to alter the Number of Representatives to be chosen in and for the Colony and in and for the several Electoral Districts in the same, and to alter and regulate the Appointment of Returning Officers, and make such new and other Provision as they may deem expedient for the issuing and Return of Writs for the Election of Members to serve in the said Legislative Assembly and the Time and Place of holding such Elections: Provided always, that it shall not be lawful to present to the Governor of the Colony, for Her Majesty's Assent, any Bill by which the Number or Apportionment of Representatives in the Legislative Assembly may be altered, unless the Second and Third Readings of such Bill in the Legislative Council and the Legislative Assembly respectively shall have been passed with the Concurrence of a Majority of the Members for the Time being of the said Legislative Council and of Two Thirds of the Members for the Time being of the said Legislative Assembly; and the Assent of Her Majesty shall not be given to any such Bill unless an Address shall have been presented by the Legislative Assembly to the Governor stating that such Bill has been so passed.

Qualification of Members of Assembly.

XVIII. Any Person absolutely free (except as is herein-after excepted) who shall be qualified and registered as a Voter in and for any Electoral District within the said Colony, shall be qualified to be elected a Member of the Legislative Assembly for any Electoral District within the said Colony.

Members of Legislative Council incapable of being Members of Legislative Assembly.

XIX. No Person being a Member of the Legislative Council shall be capable of being elected, or of sitting or voting as a Member of the Legislative Assembly.

Disqualifying Clause of Members of Assembly.

XX. Any Person holding any Office of Profit under the Crown, or having a Pension from the Crown during Pleasure or for Term of Years, shall be incapable of being elected, or of sitting or voting as a Member of the Legislative Assembly unless he be One of the following official Members of the Government, that is to say, the Colonial Secretary, Colonial Treasury, Auditor General,

Attorney General, and Solicitor General, or One of such additional Officers, not being more than Five, as the Governor, with the Advice of the Executive Council, may from Time to Time, by a Notice in the Government Gazette, declare capable of being elected a Member of the said Assembly.

Further disqualifying Clause of Members of Assembly. Pensions of Officers of the Navy and Army.

XXI. If any Member of the said Assembly shall accept of any Office of Profit or Pension from the Crown during Pleasure or for Term of Years, his Election shall be thereupon and is hereby declared to be void, and a Writ shall forthwith issue for a new Election: Provided, that nothing in this Act contained shall extend to any Person in receipt only of Pay, Half Pay, or a Pension as an Officer in Her Majesty's Navy or Army, or who shall receive any new or other Commission in the Navy or Army respectively, or any Increase of Pay on such Commission, or to any of the official Members of the Government, or other Officers referred to in the last preceding Clause of this Act who may accept any other Office.

Disqualifying Ministers of Religion.

XXII. No Person shall be capable of being elected a Member to serve in the said Assembly, and of sitting and voting therein, who shall be a Minister of the Church of England, or a Minister, Priest, or Ecclesiastic, either according to the Rites of the Church of Rome, or under any other Form or Profession of Religious Faith or Worship.

Duration of Assembly.

XXIII. Every Legislative Assembly of the said Colony hereafter to be summoned and chosen shall continue for Five Years from the Day of the Return of the Writs for choosing the same, and no longer; subject, nevertheless, to be sooner prorogued or dissolved by the Governor of the said Colony.

Election of the Speaker.

XXIV. The Members of the Legislative Assembly shall, upon the first assembling after every General Election, proceed forthwith to elect One of their Number to be Speaker; and in case of his Death, Resignation, or Removal by a Vote of the said Legislative Assembly, the said Members shall forthwith proceed to elect another of such Members to be such Speaker; and the Speaker so elected shall preside at all Meetings of the said Legislative Assembly, except as may be provided by the Standing Rules and Orders herein-after authorized to be made.

Quorum, Division, Casting Vote.

XXV. The Presence of at least Twenty Members of the Legislative Assembly, exclusive of the Speaker, shall be necessary to constitute a Meeting of the said Legislative Assembly for the Despatch of Business; and all Questions (except as herein is excepted) which shall arise in the said Assembly shall be decided by the Majority of Votes of such Members as shall be present other than the Speaker, and when the Votes shall be equal the Speaker shall have the Casting Vote.

Assembly may proceed to Business, although Writs not exceeding Five shall not have been returned.

XXVI. Upon any general Election, the Legislative Assembly shall be competent to proceed to the Despatch of Business at the Time appointed by the Governor for that Purpose, notwithstanding that any of the Writs of Election (not exceeding Five) shall not have been returned, or that in any of the Electoral Districts the Electors shall have failed to elect a Member to serve in the said Assembly.

XXVII. It

XXVII. It shall be lawful for any Member of the Assembly, by Writing under his Hand, addressed to the Speaker of the said House, to resign his Seat therein, and upon the Receipt of such Resignation by the Speaker, the Seat of such Member shall become vacant. Resignation Seats in the Assembly.

XXVIII. If any Member of the Assembly shall for One whole Session of the Legislature, without the Permission of the Assembly, entered upon its Journals, fail to give his Attendance in the said House, or shall take any Oath or make Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or do or concur in or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or become entitled to the Rights, Privileges, or Immunities of a Subject of any Foreign State or Power, or shall become bankrupt or an Insolvent Debtor within the Meaning of the Laws in force within the said Colony relating to Bankrupts or Insolvent Debtors, or shall become a public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, his Seat in such Assembly shall thereby become vacant. Vacating Seats of Members of Assembly in certain Cases.

XXIX. When and so often as a Vacancy shall occur as aforesaid, upon a Resolution by the Assembly declaring such Vacancy and the Causes thereof, the Speaker shall cause a Writ to be issued for supplying such Vacancy: Provided, that the Speaker may issue such Writ without such preceding Resolution when the Assembly is not in Session. Election to take place on Vacancies.

XXX. Any Person who shall directly or indirectly, himself or by any Person whatsoever in trust for him, or for his Use or Benefit, or on his Account, undertake, execute, hold or enjoy, in the whole or in part, any Contract or Agreement for or on account of the Public Service, shall be incapable of being summoned or elected, or of sitting or voting, as a Member of the Legislative Council or Legislative Assembly during the Time he shall execute, hold, or enjoy any such Contract, or any Part or Share thereof, or any Benefit or Emolument arising from the same; and if any Person, being a Member of such Council or Assembly, shall enter into any such Contract or Agreement, or having entered into it shall continue to hold it, his Seat shall be declared by the said Legislative Council or Legislative Assembly, as the Case may require, to be void, and thereupon the same shall become and be void accordingly: Provided always, that nothing herein contained shall extend to any Contract or Agreement made, entered into, or accepted by any Incorporated Company, or any Trading Company, consisting of more than Twenty Persons, where such Contract or Agreement shall be made, entered into, or accepted for the general Benefit of such Incorporated or Trading Company. Disqualifying Contractors and Persons interested in Contracts from being Members of either House. Proviso exempting from Disqualification Members of Companies exceeding Twenty in Number.

XXXI. If any Person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council, or elected and returned as a Member to serve in the said Assembly for any Electoral District, such Summons, or Election and Return, shall and may be declared by the said Council and Assembly, as the Case may require, to be void, and thereupon the same sha l become and be void to all Intents and Purposes whatsoever; and if any Person, under any of the Disqualifications mentioned in the last preceding Section, shall Election of disqualified Persons void. Penalty on their sitting or voting.

shall, whilst so disqualified, presume to sit or vote as a Member of the said Council or Assembly, such Person shall forfeit the Sum of Five hundred Pounds, to be recovered by any Person who shall sue for the same in the Supreme Court of New South Wales.

Place and Time of holding Parliament.

XXXII. It shall be lawful for the Governor of the Colony for the Time being to fix such Place or Places within any Part of the Colony, and such Times for holding the First and every other Session of the Legislative Council and Assembly of the said Colony, as he may think fit, such Times and Places to be afterwards changed or varied as the Governor may judge advisable and most consistent with general Convenience and the public Welfare, giving sufficient Notice thereof; and also to prorogue the said Legislative Council and Assembly from Time to Time, and to dissolve the said Assembly by Proclamation or otherwise, whenever he shall deem it expedient.

One Session of Parliament to be held in each Year.

XXXIII. There shall be a Session of the Legislative Council and Assembly once at least in every Year, so that a Period of Twelve Calendar Months shall not intervene between the last Sitting of the Legislative Council and Assembly in One Session and the First Sitting of the Legislative Council and Assembly in the next Session.

First calling together of Parliament.

XXXIV. The Legislative Council and Assembly shall be called together for the First Time at some Period not later than Six Calendar Months next after the Proclamation of this Act by the Governor of the said Colony.

No Member to sit or Vote until he has taken the following Oath of Allegiance.

XXXV. No Member either of the Legislative Council or of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following Oath before the Governor of the Colony, or before some Person or Persons authorized by such Governor to administer such Oath:

'I A.B., do sincerely promise and swear, that I will be faithful and bear true 'Allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the 'United Kingdom of Great Britain and Ireland, and of this Colony of New 'South Wales, dependent on and belonging to the said United Kingdom. 'So help me GOD.'

And whensoever the Demise of Her present Majesty (whom may God long preserve) or of any of her Successors to the Crown of the said United Kingdom shall be notified by the Governor of the Colony to the said Council and Assembly respectively, the Members of the said Council and Assembly shall, before they shall be permitted to sit and vote therein, take and subscribe the like Oath of Allegiance to the Successor for the Time being to the said Crown.

Affirmation may be made instead of Oath.

XXXVI. Provided that every Person authorized by Law to make an Affirmation instead of taking an Oath may make such Affirmation in every Case in which an Oath is herein-before required to be taken.

Standing Rules and Orders to be made.

XXXVII. The said Legislative Council and Assembly in the First Session of each respectively, and from Time to Time afterwards as there may be occasion, shall prepare and adopt such Standing Rules and Orders as shall appear to the said Council and Assembly respectively best adapted for the orderly Conduct

duct of such Council and Assembly respectively, and for the Manner in which such Council and Assembly shall be presided over in case of the Absence of the President or the Speaker, and for the Mode in which such Council and Assembly shall confer, correspond, and communicate with each other relative to Votes or Bills passed by or pending in such Council and Assembly respectively, and for the Manner in which Notices of Bills, Resolutions, and other Business intended to be submitted to such Council and Assembly respectively at any Session thereof may be published for general Information, and for the proper passing, entitling, and numbering of the Bills to be introduced into and passed by the said Council and Assembly, and for the proper Presentation of the same to the Governor for the Time being for Her Majesty's Assent; all of which Rules and Orders shall, by such Council and Assembly respectively, be laid before the Governor, and being by him approved, shall become binding and of force.

Legislature, as constructed by this Act, empowered to alter any of its Provisions.

XLII. Notwithstanding anything herein-before contained, the Legislature of the said Colony, as constituted by this Act, shall have full Power and Authority, from Time to Time, by any Act or Acts, to alter the Provisions or Laws for the Time being in force under this Act or otherwise, concerning the Legislative Council, the Nomination or Election of another Legislative Council, to consist respectively of such Members to be appointed or elected respectively by such Person or Persons, and in such Manner, as by such Act or Acts shall be determined: Provided always, that it shall not be lawful to present to the Governor of the said Colony, for Her Majesty's Assent, any Bill by which any such Alteration in the Constitution of the said Colony may be made, unless the Second and Third Readings of such Bill shall have been passed with the Concurrence of Two Thirds of the Members for the Time being of the said Legislative Council and of the said Legislative Assembly respectively: Provided also, that every Bill which shal be so passed for any of such Purposes shall be reserved for the Signification of Her Majesty's Pleasure thereon, and a Copy of such Bill shall be laid before both Houses of the Imperial Parliament for the Period of Thirty Days at the least before Her Majesty's Pleasure thereon shall be signified.

Appointment to Offices under the Government of the Colony to be vested in the Governor.

XLIV. The Appointment to all Public Offices under the Government of the Colony hereafter to become vacant or to be created, whether such Offices be salaried or not, shall be vested in the Governor, with the Advice of the Executive Council, with the Exception of the Appointments of the Officers liable to retire from Office on political Grounds as herein-after mentioned, which Appointments shall be vested in the Governor alone: Provided always, that this Enactment shall not extend to minor Appointments, which by Act of the Legislature, or by Order of the Governor and Executive Council, may be vested in Heads of Departments, or other Officers or Persons within the Colony.

Judges continued in the Enjoyment of their Offices during their good Behaviour notwithstanding any Demise of the Crown;

XLV. The Commissions of the present Judges of the Supreme Court of the said Colony, and of all future Judges thereof, shall be, continue, and remain in full force during their good Behaviour, notwithstanding the Demise of Her Majesty (whom may God long preserve), or of Her Heirs and Successors, any Law, Usage, or Practice to the contrary thereof in anywise notwithstanding

but they may be removed by the Crown on the Address of Parliament.

XLVI. It shall be lawful, nevertheless, for Her Majesty, Her Heirs or Successors, to remove any such Judge or Judges upon the Address of both Houses of the Legislature of this Colony.

Their Salaries secured during the Continuance of their Commissions.

XLVII. Such Salaries as are settled upon the Judges for the Time being by Act of Parliament or otherwise, and also such Salaries as shall or may be in future granted by Her Majesty, Her Heirs and Successors, or otherwise, to any future Judge or Judges of the said Supreme Court, shall in all Time coming be paid and payable to every such Judge and Judges for the Time being, so long as the Patents or Commissions of them or any of them respectively shall continue and remain in force.

Existing Law saved.

XLVIII. All Laws, Statutes, and Ordinances which at the Time of the passing of this Act shall be in force within the said Colony shall remain and continue to be of the same Force, Authority, and Effect as if this Act had not been made, except in so far as the same are repealed or varied by this Act, or in so far as the same shall or may hereafter, by virtue and under the Authority of this Act, be repealed or varied by any Act or Acts of the Legislature of the said Colony.

Courts of Justice, Commissions, Officers, &c.

XLIX. All the Courts of Civil and Criminal Jurisdiction within the said Colony, and all Charters, legal Commissions, Powers and Authorities, and all Officers, judicial, administrative, or ministerial, within the said Colony respectively, except in so far as the same may be abolished, altered, or varied by or may be inconsistent with the Provisions of this Act, or shall be abolished, altered, or varied by any Act or Acts of the Legislature of the Colony, or other competent Authority, shall continue to subsist in the same Form and with the same Effect as if this Act had not been made.

Legislature empowered to make Laws regulating Sale and other Disposal of Waste Lands.

L. Subject to the Provisions herein contained, it shall be lawful for the Legislature of this Colony to make Laws for regulating the Sale, Letting, Disposal, and Occupation of the Waste Lands of the Crown within the said Colony.

Duties not to be Levied on Supplies for Troops, nor any Duties inconsistent with Treaties.

LI. It shall not be lawful for the Legislature of the Colony to levy any Duty upon Articles imported bonâ fide for the Supply of Her Majesty's Land or Sea Forces, nor to levy any Duty, impose any Prohibition or Restriction, or grant any Exemption from any Drawback or other Privilege upon the Importation or Exportation of any Articles, nor to enforce any Dues or Charges upon Shipping contrary to or at variance with any Treaty or Treaties concluded by Her Majesty with any Foreign Power.

Customs Duties may be imposed, not differential, though contrary to existing Acts of Parliament.

LII. Subject to the Provisions of this Act, and notwithstanding any Act or Acts of the Imperial Parliament now in force to the contrary, it shall be lawful for the Legislature of the Colony to impose and levy such Duties of Customs, as to them may seem fit, on the Importation into the Colony of any Goods, Wares, and Merchandise whatsoever, whether the Produce of or exported from the United Kingdom or any of the Colonies or Dependencies of the United Kingdom, or any Foreign Country: Provided always, that no new Duty shall be so imposed upon the Importation into the said Colony of any Article the Produce or Manufacture of or imported from any particular Country or Place which shall not be equally imposed on the Importation into the said Colony of the like Article the Produce or Manufacture of or exported from all other Countries and Places whatsoever.

Boundaries of the Colony.

LIII. For the Purpose of this Act, the Boundaries of the Colony of New South Wales shall, except as herein-after excepted, comprise all that Portion of Her Majesty's Territory of Australia or New Holland lying between the

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One hundred and twenty-ninth and One hundred and fifty-fourth Degrees of East Longitude, reckoning from the Meridian of Greenwich, and Northward of the Fortieth Degree of South Latitude, including all the Islands adjacent in the Pacific Ocean within the Latitude aforesaid, and also including Lord Howe Island, being in or about the Latitude of Thirty-one Degrees Thirty Minutes South and the One hundred and fifty-ninth Degree of East Longitude, reckoning from the said Meridian of Greenwich, save and except the Territories comprised within the Boundaries of the Province of South Australia and the Colony of Victoria, as at present established: Provided always, that nothing herein contained shall be deemed to prevent Her Majesty from altering the Boundary of the Colony of New South Wales on the North in such Manner as to Her Majesty may seem fit, nor from detaching from the said Colony that Portion of the same which lies between the Western Boundary of South Australia and the One hundred and twenty-ninth Degree of East Longitude, reckoning from the said Meridian of Greenwich.

Boundaries of the Colonies of N. S. Wales, Victoria, and South Australia, not to be altered without Legislative Sanction of the Colony parting with its Territory.

LIV. No Alteration, except as is provided in the last preceding Clause, shall take place in the Boundaries of the respective Colonies of New South Wales, Victoria, or South Australia, unless the Assent of the Colony losing any Portion of its Territory by such Alienation shall be expressed in some Legislative Provision of such Colony.

Preamble to Civil List Clauses.

And whereas the Legislative Council of New South Wales, constituted under the Imperial Act passed in the Session holden in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act for the "better Government of Her Majesty's Australian Colonies," are desirous that Her Majesty should owe to the spontaneous Liberality of Her People in this Colony such Grant by way of Civil List, in lieu of the Provision contained in the Schedule to that Act, as shall be sufficient to give Stability and Security to the Civil Institutions of the Colony, and to provide for the adequate Remuneration of able and efficient Officers in the executive, judicial, and other Departments of Her Majesty's Colonial Service, the granting of which Civil List belongs constitutionally only to Her Majesty's faithful People through their Representatives in the said Legislative Council; and Her Majesty's most dutiful and loyal Subjects, the Members of the said Legislative Council in Council assembled, being desirous that a certain competent Revenue for the Purpose may be settled upon Her Majesty, (to whom may God grant a long and happy Reign,) as a Testimony of their unfeigned Affection to Her Majesty's Person and Government, have accordingly freely resolved, in lieu of the aforesaid statutable Provision for the like Purpose, to grant to Her Majesty, Her Heirs and Successors, a certain Revenue payable out of the Consolidated Revenue Fund of this Colony: Be it therefore enacted as follows:

All Duties and Revenues to form Consolidated Revenue Fund.

LV. All Taxes, Imposts, Rates, and Duties, and all territorial, casual, and other Revenues of the Crown (including Royalties) from whatever Source arising within this Colony, and over which the present or future Legislature has or may have Power of Appropriation, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of this Colony in the Manner and subject to the Charges herein-after mentioned.

Such Fund permanently charged with Expenses of Collection.

LVI. The Consolidated Revenue Fund of this Colony shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection,

Management, and Receipt thereof, such Costs, Charges, and Expenses being subject nevertheless to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature.

Civil List of £64,300 payable to Her Majesty.

LVII. There shall be payable in every Year to Her Majesty, Her Heirs and Successors, out of the Consolidated Reveue Fund of this Colony, the several Sums, not exceeding in the whole the Sum of Sixty-four thousand and three hundred Pounds, for defraying the Expense of the several Services and Purposes named in the Schedules A. B. and C. to this Act annexed, the said several Sums to be issued by the Colonial Treasurer in discharge of such Warrant or Warrants as shall be from Time to Time directed under the Hand of the Governor; and the said Treasurer shall account to Her Majesty for the same through the Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

Civil List to be accompanied by Surrender of all Revenues of the Crown.

LVIII. The said several Sums mentioned in Schedules A. B. and C. shall be accepted and taken by Her Majesty, Her Heirs and Successors, by way of Civil List, instead of all territorial, casual, and other Revenues of the Crown (including all Royalties) from whatever Source arising within the said Colony, and to the Disposal of which the Crown may be entitled either absolutely or conditionally, or otherwise howsoever.

Pensions payable to Judges of Supreme Court.

Pensions payable to certain Officers liable to Removal from Office on Political Grounds.

Provisoes in reference to Judges and such Officers.

LIX. Not more than Four thousand five hundred and fifty Pounds in each Year shall be payable for Pensions to the Judges of the Supreme Court out of the Sum set apart for Pensions in the said Schedule B.; and not more than Five thousand nine hundred Pounds in each Year shall be payable by way of Pension or Retiring Allowance for the present Incumbents of any Office or Department mentioned in the said Schedule B. who, on political Grounds, may retire or be released from any such Office or Department: Provided always, that Pensions shall be demandable by such Judges, to the Amount of Seven Tenths of their actual Salaries, on permanent Disability or Infirmity, or after Fifteen Years Service as such Judge in this Colony; and that so far as the present Judges are concerned, every Three Years Service in any judicial Office in this Colony, other than the Office of a Judge of the Supreme Court, shall be equivalent to One Year's Service as such Judge of the Supreme Court; provided also, that the Officers so liable to retire or be released shall be the Attorney General, and Solicitor General, the Colonial Secretary, Colonial Treasurer, and Auditor General; and upon the Retirement or Release from Office of any of the present Officers, they shall be entitled by way of Pension or Retiring Allowance to the full Amount of the Salaries respectively received by them at the Time of the passing of this Act: Provided also, that if after the Assignment of any such Pension or Retiring Allowance any of such Judges or Officers shall accept any new Appointment under the Crown, then and in every such Case the Pension or Retiring Allowance of any such Judge or Officer shall merge or be reduced pro tanto during the Tenure of such Appointment, according as the Salary or Emoluments of any such new Appointment are of greater or less Amount than the Pension or Retiring Allowance of such Judge or Officer.

Superannuation Pensions to certain other Offi-

LX. Not more than Three thousand five hundred Pounds in each Year shall be payable for Pensions to superannuated Officers: Provided always, that the Amount

Amount of all such Pensions for such superannuated Officers shall be according to the several Scales and Rates fixed by the Superannuation Act of the Parliament of Great Britain and Ireland, passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, and that a List of all Pensions granted under this Act, and of the Persons to whom the same shall have been granted, shall be laid in every Year before both Houses of the Legislature of the Colony.

cers not liable to Removal upon Political Grounds.

To be regulated by Superannuation Act, 4 & 5 W. 4. c. 24.

LXI. After and subject to the Payments to be made under the Provisions herein-before contained, all the Consolidated Revenue Fund herein-before mentioned shall be subject to be appropriated to such specific Purposes as by any Act of the Legislature of the Colony shall be prescribed in that Behalf: Provided, that the Consolidation of the Revenues of this Colony shall not affect the Payment of the annual Interest, or the Principal Sums mentioned in any outstanding Debentures or other Charge upon the territorial Revenue as such Interest, Principal, or other Charge severally becomes due, nor shall such Consolidation affect the Payment of any Sum or Sums heretofore charged upon the Taxes, Duties, Rates, and Imposts now raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of this Colony, for such Time as shall have been appointed by any Acts of the said Legislature by which any such Charge was authorized.

Consolidated Revenue to be appropriated by Act of the Legislature.

Debenture or any other Charges on Consolidated Revenue Fund not to be affected by such Consolidation.

LXII. It shall not be lawful for the Legislative Assembly to originate or pass any Vote, Resolution, or Bill, for the Appropriation of any Part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any Purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed,

No Money Vote or Bill lawful unless recommended by Governor.

LXIII. No Part of Her Majesty's Revenue in the said Colony, arising from any of the Sources aforesaid, shall be issued, or shall be made issuable, except in pursuance of Warrants under the Hand of the Governor of the Colony directed to the Public Treasurer thereof.

No Part of Public Revenue to be issued except on Warrants from Governor.

LXIV. This Act shall be proclaimed in New South Wales by the Governor thereof within One Calendar Month after official Information of the Royal Assent thereto shall have been received by such Governor, and shall take effect within the said Colony from the Day of the Proclamation thereof.

Proclamation and Commencement of Act.

LXV. In the Construction of this Act, the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of the Colony of New South Wales.

Interpretation of Term "Governor."

LXVI. The foregoing Provisions of this Act shall have no Force or Effect until so much and such Parts of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Thirteenth and Fourteenth Years of Her Majesty's Reign, intituled "An Act for the better Government of the "Australian Colonies," and the First, Second, and Third Parts of the Schedule A. therein referred to; and of another Act passed in the Fifth and Sixth Years of Her Majesty's Reign, intituled "An Act for the Government of New "South Wales and Van Diemen's Land;" and of another Act passed in the said Fifth and Sixth Years of Her Majesty's Reign, intituled "An Act for "regulating

Provisions of this Act to have no Force until so much of 13 & 14 Vict. c. 59;

and so much also of 5 & 6 Vict. c. 76.;

5 & 6 Vict. c. 36.;

" regulating the Sale of Waste Land belonging to the Crown in the Austra-
" lian Colonies;" and of another Act passed in the Eighth Year of Her
and of 7 & 8 Vict. c. 72.; Majesty's Reign, intituled "An Act to clear up Doubts as to the Regulation
" and Audit of the Customs of New South Wales;" and of another Act passed
7 & 8 Vict. c. 74.; in the same Year, intituled "An Act to explain and amend the Act for the
" Government of New South Wales and Van Diemen's Land;" and of another
Act passed in the Ninth Year of the Reign of His late Majesty King George
9 Geo. 4. c. 83.; the Fourth, intituled "An Act to provide for the Administration of Justice in
" New South Wales and Van Diemen's Land, and for the more effectual
" Government thereof, and for other Purposes relating thereto;" and of another
Act passed in the Ninth and Tenth Years of Her Majesty's Reign, intituled
and 9 & 10 Vict. c. 104.; " An Act to amend an Act for regulating the Sale of Waste Land belonging to
" the Crown in the Australian Colonies, and to make further Provision for the
" Management thereof," as severally relate to the Colony of New South
as relates to this Colony, and is repugnant to reserved Bills, be repealed. Wales, and as are repugnant to this Act, shall have been repealed; and the
And the entire Management of Crown Lands and all Revenues thence arising be vested in the Local Legislature. entire Management and Control of the Waste Lands belonging to the Crown
in the said Colony of New South Wales, and also the Appropriation of the
gross Proceeds of the Sales of any such Lands, and of all other Proceeds and
Revenues of the same, from whatever Source arising within the said Colony,
including all Royalties, Mines, and Minerals, shall be vested in the Legislature
of the said Colony: Provided, that nothing herein contained shall affect or be
construed to affect any Contract, or to prevent the Fulfilment of any Promise
or Engagement made by or on behalf of Her Majesty, with respect to any
Lands situate within the said Colony, in Cases where such Contracts, Promises,
or Engagements shall have been lawfully made before the Time at which this
Act shall take effect within this Colony, nor to disturb or in any way
interfere with or prejudice any vested or other Rights which have accrued or
belong to the licensed Occupants or Lessees of any Crown Lands within or
without the settled Districts, under and by virtue of the aforesaid Act of the
Parliament, passed in the Ninth and Tenth Years of Her Majesty's Reign,
or of any Order or Orders of Her Majesty in Council issued in pursuance
thereof.

This Provision not to affect any previous Contracts of Her Majesty respecting any such Lands, nor any vested Rights which have arisen under 9 & 10 Vict. c. 104., nor any vested Right or Interest which has accrued under any Order of Council issued by Her Majesty in Council in pursuance thereof.

Passed the Legislative Council, this Twenty-first Day of December One thousand eight hundred and fifty-three.

CHARLES NICHOLSON,
Speaker.

W. MACPHERSON,
Clerk of the Council.

In the Name and on the Behalf of Her Majesty, I reserve this Bill for the Signification thereon of Her Majesty's Pleasure.

CHAS. A. FITZROY,
Governor General.

Government House, Sydney,
December 22, 1853.

SCHEDULE (A.)

	Salaries payable whilst the present Incumbents are in Office.			Salaries to be paid in future, as Vacancies occur.		
	£	s.	d.	£	s.	d.
To be placed at the Disposal of Her Majesty, for the Salary of the Governor General, if Her Majesty see fit; otherwise to revert to the Consolidated Revenue Fund -	7,000	0	0	7,000	0	0
One Chief Justice - - - - -	2,000	0	0	2,000	0	0
Three Judges, including One for Moreton Bay - -	4,500	0	0	4,500	0	0
Colonial Secretary - - - - -	2,000	0	0	2,000	0	0
Colonial Treasurer - - - - -	1,250	0	0	1,250	0	0
Auditor General - - - - - -	900	0	0	900	0	0
Attorney General - - - - -	1,500	0	0	1,500	0	0
Solicitor General - - - - -	1,000	0	0	1,000	0	0
Governor's Private Secretary - - - -	400	0	0	400	0	0
Master in Equity and Curator of Intestate Estates and Chief Commissioner of Insolvent Estates - -	1,000	0	0	—		
Chairman of Quarter Sessions and Commissioner of Court of Requests - - - - - -	800	0	0	—		
	22,350	0	0	20,550	0	0

SCHEDULE (B.)

	£	s.	d.
Pensions to Judges on their ceasing to hold Office (until demandable and claimed, this Amount, or any unclaimed Portion of it, to revert to the Consolidated Revenue Fund) - - - - - - -	4,550	0	0
Pensions to existing Officers of the Government liable on political Grounds to retire or be released from Office, upon their Retirement or Release (upon the Demise of these Officers, or until their Retirement or Release, their respective Pensions, or this Amount (as the Case may be), to revert to the Consolidated Revenue Fund) - - - - - -	5,900	0	0
Pensions to Officers of Government not liable on political Grounds to retire or be released from Office, according to the Scales and Rates fixed by the Superannuation Act of the Imperial Parliament, 4 & 5 W. 4. c. 24. (any Portion of this Fund which may not be drawn during any Year to revert to the Consolidated Revenue Fund) - - - - -	3,500	0	0
	13,950	0	0

SCHEDULE (C.)

	£	s.	d.
Public Worship - - - - - - - - -	28,000	9	0

SCHEDULE (2.)

59 G. 3. c. 114. -	An Act to stay Proceedings against any Governor or other Person concerned in imposing and levying Duties in New South Wales; to continue until the 1st Day of January 1821, certain Duties, and to empower the said Governor to levy a Duty on Spirits made in the said Colony.
3 G. 4. c. 96. - -	An Act to continue until the 1st Day of January 1824, an Act passed in the Fifty-ninth Year of His late Majesty relating to imposing and levying Duties in New South Wales; to authorize the imposing and levying other Duties on Goods imported into the said Colony, and to suspend for Ten Years the Payment of Duty on the Importation of certain Goods the Produce of New South Wales.
9 G. 4. c. 83. - -	An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other Purposes relating thereto.
5 & 6 Vict. c. 76. -	An Act for the Government of New South Wales and Van Diemen's Land.
7 & 8 Vict. c 72. -	An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in New South Wales.
7 & 8 Vict. c. 74. -	An Act to explain and amend the Act for the Government of New South Wales and Van Diemen's Land.
13 & 14 Vict. c. 59.	An Act for the better Government of Her Majesty's Australian Colonies.

New South Wales Government.

A

BILL

To enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, "to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty."

(*Prepared and brought in by Lord John Russell and Mr. John Ball.*)

Ordered, by the House of Commons, *to be Printed,* 17 *May* 1855.

[Bill 134.]

Under 4 *oz.*

20 *February* 1855. 18 VICT.

A

BILL

TO

Alter and amend the Laws relating to the Stamp Duties on Newspapers, the printing and publishing of Newspapers, and Registration and giving Securities in connexion therewith, and the Regulation of the Duties of Postage on printed Papers.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to repeal the Stamp Duties on Newspapers and the Acts relating to the printing and publishing of Newspapers; and it is also expedient to make further Regulation of the Duties of Postage in respect of printed Papers transmitted by Post: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the Time appointed for *the Commencement of this Act* the Stamp Duties now payable in the United Kingdom on Newspapers, and also the several Acts and Parts of Acts specified in the Schedule hereto annexed relating to the printing and publishing of Newspapers, shall be and the same are hereby repealed, save and except with respect to any Duty or Arrears of Duty which at the Time Repeal of Stamp Duties on Newspapers, and of Acts relating to the printing and publishing of Newspapers.

Saving Arrears of Duty and Penalties incurred.

Time aforesaid shall have accrued or been incurred, or with respect to any Fine, Penalty, Forfeiture, or Punishment for any Offence before that Time committed; all which Duties and Arrears of Duty, Fines, Penalties, Forfeitures, and Punishments shall and may respectively be sued or prosecuted for, recovered, obtained, and inflicted by the same Ways and Means and in the same Manner as if this Act had not been passed.

Printed Books and Papers may be transmitted by Post on Payment of Rates specified for each Transmission.

II. And for further regulating the Duties of Postage on printed Papers: Any printed Book or printed Paper and any Packet of printed Books or printed Papers posted in any Town or Place within the United Kingdom, on which there shall be affixed on the Outside thereof a Postage Stamp or Stamps denoting the Rate of Postage herein-after specified in that Behalf, or which shall be duly inclosed in a Cover stamped, or on which a Stamp or Stamps shall be affixed on the Outside thereof for denoting such Rate of Postage, shall be transmitted by the Post between any Places within the United Kingdom free from any further Rate or Charge of Postage.

Rates of Postage payable for every Transmission.

III. The Rate of Postage to be paid for every Transmission by Post of every such printed Book or printed Paper, if posted singly, or for any Packet of such Books or Papers, and to be denoted by a Stamp or Stamps affixed thereon, or by such stamped Cover as aforesaid, shall be as follows; that is to say,

For any Weight of such Book, Paper, or Packet, not exceeding *Four* Ounces, the Rate of *One Penny*:

If exceeding *Four* Ounces, then at and after the Rate of *One Penny* for every *Four* Ounces of the Weight thereof:

And for any fractional Part of *Four* Ounces over the First *Four* Ounces, or over any Multiple of that Quantity in Weight, the additional Rate of *One Penny*.

Printed Papers may be transmitted and re-transmitted by Post on Terms and Conditions specified.

IV. Provided always, That any printed Work or printed Paper not exceeding *Six* Ounces in Weight, printed and published in the United Kingdom on Paper stamped with such appropriated Die as herein-after mentioned for denoting the Rate of *One Penny*, if not exceeding *Four* Ounces in Weight, or a Rate of *One Penny Halfpenny* if exceeding that Weight, shall from Time to Time, when and so often as the same shall be posted within the Period of *Seven* Days from the Day of the Date of the Publication thereof, be transmitted and re-transmitted by the Post between any Places in the United Kingdom (except by the Post of a Post Town addressed to a Person within the Limits of such Town or its Suburbs) free from any further Rate or Charge of Postage, but under and subject nevertheless to the Terms and Conditions following; that is to say, such Work or Paper shall be

be printed on not more than *Two* Sheets or Pieces of Paper forming One Publication; One of which Sheets or Pieces of Paper shall be stamped with an appropriated Die denoting the said Postage Rate; and on the Top of every Page of such Work or Paper there shall be printed the Title thereof and the Date of Publication; and such Work or Paper at the Time when the same shall be posted shall be folded in such Manner that the whole of the Stamp denoting the Postage Rate shall be exposed to View, and be distinctly visible on the Outside thereof; also no such Work or Paper shall be printed on Pasteboard or Cardboard, or on Two or more Pieces or Thicknesses of Paper pasted together, nor shall any Pasteboard, Cardboard, or such pasted Paper be transmitted by Post with any such Work or Paper, either as a Back or Cover thereto or otherwise.

Relief to existing Newspapers exceeding in certain Cases the Weight of Four Ounces.

V. And whereas under the Acts relating to the Stamp Duties on Newspapers repealed by this Act British Newspapers containing a Superficies of Letter Press not exceeding Two thousand two hundred and ninety-five Inches on One Side only of the Paper on which the same are respectively printed are chargeable with the Stamp Duty of One Penny only, and are entitled by Law to free Transmission by the Post, and it may happen that under this Act such Newspapers when transmitted by the Post will be chargeable with the Postage Rate of One Penny Halfpenny by reason of their exceeding respectively the Weight of *Four* Ounces, and it is expedient to afford Relief with respect to such Newspapers now existing: Be it enacted, That during the Period of *Ten* Years from the passing of this Act any British Newspaper existing before the First Day of *January One thousand eight hundred and fifty-five*, and which is now existing, and the whole Impression of which has hitherto been duly stamped, and which shall be hereafter printed and published on Paper stamped with such appropriated Die as aforesaid for denoting the Postage Rate of One Penny, and the Letter Press of which shall not exceed the Dimensions aforesaid, shall be transmitted and re-transmitted by the Post notwithstanding that the Weight thereof may exceed *Four* Ounces, but under and subject to the Terms and Conditions aforesaid in other respects.

Rates and Duties to be denoted by Postage Stamps.

VI. The Rates and Duties by this Act directed or authorized to be charged for the Transmission by Post of printed Works, Books, and Papers shall be denoted by Postage Stamps to be provided or impressed by or under the Direction of the Commissioners of Inland Revenue.

Commissioners of Inland Revenue to

VII. The Commissioners of Inland Revenue at the Request and Expense of the Proprietor or Printer of any printed Work or Paper shall

provide appropriated Dies at the Expense of Parties requiring the same.

shall cause a proper Die or proper Dies to be prepared under their Directions for stamping the Paper whereon such Work or Paper is intended to be printed, to denote the Rate of Postage by this Act charged for the Transmission and Re-transmission of the same by Post; and the said Commissioners shall also cause to be prepared a new Die for the like Purpose from Time to Time when and as they shall think necessary; and the reasonable Costs and Expenses of preparing such Dies shall be from Time to Time defrayed by the Proprietor or Printer of such Work or Paper, and be paid to such Person as the said Commissioners shall appoint, before any Paper shall be stamped with any such Die; and every such Die shall be appropriated to the particular Work or Paper, by having the Title or some Part of the Title thereof expressed on such Die in such convenient Manner and Form as the said Commissioners shall deem proper.

Paper to be stamped with appropriated Dies.

VIII. It shall be lawful for any Person at whose Request and Expense any such appropriated Die as aforesaid shall have been prepared to send to the Commissioners of Inland Revenue, or to such Officer as they shall appoint or direct in that Behalf, any Quantity of Paper to be stamped with such appropriated Die, and upon Payment to the proper Officer of the full Amount of the Stamps required to be impressed on such Paper, the said Commissioners or their proper Officer shall cause the same to be stamped accordingly: Provided always, that during the Period of *Ten* Years from the passing of this Act there shall be allowed in respect of such appropriated Stamps as aforesaid for any Newspaper existing in Ireland before the *First Day of January One thousand eight hundred and fifty-five*, and which is now existing, and the whole Impression of which has hitherto been duly stamped, and which shall hereafter be printed and published in Ireland, only a Discount after the Rate of *Twenty-five Pounds* per Centum on any Sum of *Ten Pounds* or upwards of the Amount of such appropriated Stamps purchased at One Time.

Discount to be allowed on Stamps for Irish Newspapers.

Commissioners may use Dies provided under former Acts for stamping Paper under this Act.

IX. Provided always, That it shall be lawful for the said Commissioners, if they shall think fit, to use for the stamping of such Paper, under this Act, any appropriated Die provided under any former Act for denoting the Stamp Duties chargeable on Newspapers, in any Case where such Die shall be applicable and proper for the stamping of Paper under this Act for the same Publication for which such Die was originally provided.

Newspapers may be registered at the General

X. And whereas certain Treaties and Arrangements have been made and entered into by and between Her Majesty's Government and certain Foreign and Colonial Governments for regulating the Transmission

Transmission of British Newspapers abroad; and it is expedient to make Provision for enabling Her Majesty's Postmaster General to secure for such Newspapers respectively the Privileges and Advantages of such Treaties and Arrangements: Be it therefore enacted, That, upon the Postmaster General being satisfied that any printed Publication is a Newspaper, or entitled to the Privileges of a Newspaper, within the Meaning of such Treaties and Arrangements as aforesaid, it shall be lawful for the Proprietor or Printer of such Newspaper or Publication, if he shall think fit, to register the same at the General Post Office in London, in such Form and with such Particulars relating to the same, and subject to the Payment of such Fees, not exceeding *Five Shillings* respectively, as well on Registration as afterwards periodically for being continued on the Register, as the Postmaster General, with Consent of the Commissioners of the Treasury, shall from Time to Time direct or require in that Behalf; and thereupon such Newspaper, being printed on Paper duly stamped with an appropriated Die under the Provisions of this Act, shall be entitled to all the Privileges and Advantages secured to Newspapers by any such Treaties and Arrangements as aforesaid.

Post Office to entitle the same to the Privilege of Transmission abroad under Treaties with Foreign Powers.

XI. The Forty-second Section of an Act passed in the Session of Parliament holden in the Third and Fourth Years of Her present Majesty's Reign, Chapter Ninety-six, and so much of the Seventy-first Section of the same Act as defines the Meaning of the Term "British Newspapers," shall be and the same is hereby repealed.

British Newspapers sent by Post to be subject to the Rates and Conditions of this Act.

XII. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to allow any printed Book, printed Newspaper, (British, Colonial, or Foreign,) or other printed Publication or Papers, to be transmitted by the Post between Places in the United Kingdom, or between the United Kingdom and Her Majesty's Colonies or Foreign Countries, or between any Ports or Places beyond the Sea (whether through the United Kingdom or not), either free of Postage or subject to such Rates of Postage as the Commissioners of the Treasury or the Postmaster General, with their Consent, shall from Time to Time think fit.

Transmission by Post of printed Papers to Foreign Countries.

XIII. It shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or Times hereafter, by Warrant under their Hands, to make and issue such Orders, Regulations, Conditions, and Restrictions as they shall deem to be necessary or expedient for the Purpose of regulating the Receipt, Transmission, and Delivery by Post of Newspapers and other printed Works, Books, or Papers, under the Provisions of this Act, or for preventing or detecting Frauds or Abuses in relation thereto, and for giving effect to the Purposes of this

Power to Treasury to make Regulations for carrying the Act into effect.

this Act; and it shall also be lawful for the said last-mentioned Commissioners from Time to Time to rescind or revoke all or any such Warrants, Orders, Regulations, Conditions, and Restrictions, and to make and issue any new ones in lieu thereof.

Newspapers and other printed Papers sent by Post not in conformity with this Act to be charged Letter Rates of Postage.

XIV. All British Newspapers and other printed Works, Books, and Papers sent by Post otherwise than in conformity with the Terms, Conditions, and Regulations established by or under the Authority of this Act shall be chargeable with the like Rates of Postage as if the same were Letters transmitted by the Post: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to authorize Her Majesty's Postmaster General to charge the same with any such less Rate of Postage as to him shall seem fit.

Powers, Provisions, &c. of former Acts to be applied.

XV. All Powers, Provisions, Clauses, Regulations, Directions, Fines, Forfeitures, Pains, and Penalties now in force, contained in or imposed by any former Act or Acts, for the Regulation of the Duties of Postage or for Purposes relating to the Post Office, or referred to or mentioned in any such Act or Acts, or incorporated therewith, shall (so far as the same may be applicable and may be consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under this Act, and to the Paper on which the same shall be impressed or to which the same shall be affixed, and to the Rates and Duties by this Act made payable, and also to all Newspapers and other printed Works, Books, and Papers to be transmitted by Post under the Provisions of this Act, and to any Warrant, Order, Consent, or Authority of the Commissioners of Her Majesty's Treasury which shall be issued or given under or by virtue of this Act, and shall be observed, applied, enforced, and put in execution for collecting, securing, and accounting for the said Rates and Duties, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, and to the Transmission by Post of such Newspapers or other printed Works, Books, or Papers, and for giving Effect to the Purposes of this Act, as fully and effectually to all Intents and Purposes as if such Powers, Provisions, Clauses, Regulations, and Directions, Fines, Forfeitures, Pains, and Penalties had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Rates or Duties, and to the Transmission of such Newspapers, and other printed Works, Books, and Papers respectively.

Penalties recoverable under Provi-

XVI. All pecuniary Penalties imposed under or by virtue of this Act or any other Act or Acts relating to any Rates or Duties of Postage,

Postage, or to the Post Office, shall be recoverable for the Use of Her Majesty, Her Heirs or Successors, by Information or Complaint before One or more Justice or Justices of the Peace having Jurisdiction where the Offence shall be committed, in the Manner provided by the Act passed in the First Year of Her Majesty's Reign, Chapter Thirty-six. sions of Act 1 Vict. c. 36.

XVII. The following Terms and Expressions used in this Act shall have the several Interpretations herein-after set forth, unless such Interpretations are repugnant to the Subject Matter or inconsistent with the Context in which they may be found; (that is to say,) the Terms "printed Book or printed Paper," "printed Work or printed Paper," and "printed Books and printed Papers," shall include all printed Publications and printed Newspapers, British, Colonial, or Foreign; and the Term "British Newspapers" shall be deemed to mean Newspapers printed and published in the United Kingdom; and for all the Purposes of this Act the Islands of Guernsey, Jersey, Alderney, Sark, and the Isle of Man shall respectively be deemed to be Part of the United Kingdom. Interpretation Clause.

XVIII. This Act shall commence and take effect on the *Day of* *One thousand eight hundred and fifty-five.* Commencement of Act.

The SCHEDULE to which this Act refers.

An Act passed in the Sixtieth Year of the Reign of King George the Third, Chapter Nine; and so much of an Act passed in the First Year of the Reign of His late Majesty King William the Fourth, Chapter Seventy-three, as extends the Provisions of the said first-mentioned Act. 60 G. 3. c. 9. 1 W. 4. c. 73.

An Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of the said King William the Fourth, Chapter Seventy-six. 6 & 7 W. 4. c. 76.

So much of an Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her present Majesty's Reign, Chapter Sixty-three, contained in Section Three thereof, as relates to the Stamp Duty chargeable on any Newspaper or any Supplement to a Newspaper. 16 & 17 Vict. c. 63. s. 3.

And the whole of another Act passed in the said last-mentioned Session of Parliament, Chapter Seventy-one. 16 & 17 Vict. c. 71.

Newspaper, &c. Postage and Stamp Duties.

A

BILL

To alter and amend the Laws relating to the Stamp Duties on Newspapers, the printing and publishing of Newspapers, and Registration and giving Securities in connexion therewith, and the Regulation of the Duties of Postage on printed Papers.

(*Prepared and brought in by*
Mr. Bouverie, Mr. Chancellor of the Exchequer,
and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,*
20 *February* 1855.

[Bill 27.]

Under 1 *oz.*

20 *March* 1855. 18 Vict.

A

B I L L

TO

Amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

WHEREAS it is expedient to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act* it shall not be compulsory (except for the Purpose of free Transmission by the Post) to print any Newspaper on Paper stamped for denoting the Duties imposed by Law on Newspapers, and no Person shall be subject or liable to any Penalty or Forfeiture for printing, publishing, selling, or having in his Possession any unstamped Newspaper. Not to be compulsory to print Newspapers on Stamps.

II. Every periodical Publication herein-after mentioned which shall be printed on Paper stamped for denoting the Rate of Duty now imposed Periodical Publications printed on Stamps to be

transmitted by Post free of Postage.

imposed by Law on Newspapers shall be entitled to the like Privileges of Transmission and Re-transmission by the Post, either Postage-free or otherwise, on the same Terms and Conditions and under and subject to the like Rules and Regulations as Newspapers duly stamped are now entitled and subject to under any Act or Acts in force, but under and subject nevertheless to the Terms and Conditions in this Act contained.

Periodical Publications entitled to free Transmission by Post to be printed under certain Limitations and Conditions specified.

III. Every periodical Publication to be entitled to any such Privilege as aforesaid shall be printed and published at Intervals not exceeding *Thirty-one* Days between any Two consecutive Parts or Numbers of such Publication, and shall be subject to the same Limitations and Restrictions with respect to the Number of Sheets or Pieces of Paper whereon the same shall be printed, and with respect to the Superficies or Dimensions of the Letter-press thereof, as by any Act or Acts now in force are enacted or imposed with respect to Newspapers and Supplements thereto; and every such periodical Publication shall be entitled to such Privilege only on the Terms and Conditions following; (that is to say,) One of the Sheets or Pieces of Paper on which the same shall be printed shall be stamped with an appropriated Die, denoting the Stamp Duty imposed by Law on a Newspaper printed on the like Number of Sheets or Pieces of Paper and of the like Dimensions, with respect to the Superficies of the Letter-press thereof; and on the Top of every Page of such Publication, there shall be printed the Title thereof, and the Date of publishing the same; and such periodical Publication at the Time when the same shall be posted shall be folded in such Manner, that the whole of the Stamp denoting the said Duty shall be exposed to view, and be distinctly visible on the Outside thereof; also such periodical Publication shall not be printed on Pasteboard or Cardboard, or on Two or more Pieces or Thicknesses of Paper pasted together, nor shall any Pasteboard, Cardboard, or such pasted Paper be transmitted by Post with any such periodical Publication either as a Back or Cover thereto, or otherwise.

Periodical Publications may be registered at the Inland Revenue Office in the same Manner as Newspapers are now required to be.

IV. It shall be lawful for the Printer, Publisher, and Proprietor of any such periodical Publication, if they shall think fit, to make and deliver to the Commissioners of Inland Revenue, or to the proper Distributor or Officer of Stamps in that Behalf, a Declaration in Writing containing such Particulars, Matters, and Things with respect to the said periodical Publication, as by the Sixth Section of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, is and are required to be made and delivered and contained respectively with respect to any Newspaper;

and

and all the Clauses, Provisions, and Regulations contained in the said Sixth Section, and also in Sections Two, Three, Eight, Nine, Ten, Thirteen, and Fourteen of the said Act with respect to any such Declaration and Newspaper respectively, as in the said Act is mentioned, shall be deemed to apply and be of full force and effect with respect to any Declaration to be made under the Provisions of this Act, and to the periodical Publication to which the same may relate as fully and effectually to all Intents and Purposes as if such Clauses, Provisions, and Regulations had been herein repeated and specially enacted, mutatis mutandis, with reference to such periodical Publications as aforesaid.

Security against Libels to be given for such registered periodical Publications.

V. The Printer and Publisher of any periodical Publication who shall make and deliver any such Declaration as aforesaid, shall also enter into and give such Security with Sureties, against the Publication of Libels, as by the several Acts in force in that Behalf are required to be entered into and given by the Printer and Publisher of any Newspaper; and all the several Clauses, Provisions, and Regulations contained in the said last-mentioned Acts, so far as the same respectively are now in force with respect to Newspapers and the Printers and Publishers thereof, and their Sureties respectively, shall also be deemed to apply and be of full Force and Effect with respect to any periodical Publication relating to which any such Declaration as aforesaid shall be made, and with respect to the Printer and Publisher thereof, and their Sureties respectively, as fully and effectually to all Intents and Purposes as if such last-mentioned Clauses, Provisions, and Regulations had also been herein repeated and specially enacted in manner aforesaid.

Paper to be stamped for such registered periodical Publications at the Request of the Proprietor or Printer.

VI. It shall be lawful for the Proprietor or Printer of any such registered periodical Publication, in respect of which such Security as aforesaid shall have been given, to send to the Commissioners of Inland Revenue, or to such Officer as they shall appoint or direct in that Behalf, any Quantity of Paper to be stamped with an appropriated Die, to be provided in the Manner directed by the Third Section of the said Act of the Sixth and Seventh Years of the Reign of His said late Majesty, for denoting the Rate of Stamp Duty chargeable on Newspapers; and upon Payment to the proper Officer of the full Amount of the Stamps required to be impressed on such Paper, the said Commissionsrs or their proper Officer shall cause the same to be stamped accordingly: Provided always, that there shall be allowed in Ireland, in respect of such appropriated Stamps as aforesaid for any periodical Publication which shall be printed and published only in Ireland, the same Rate of Discount as by the said last-mentioned Act is directed to be allowed on the Purchase of Stamps for the printing of Newspapers in Ireland.

Discount to be allowed on Stamps in Ireland.

On Refusal to renew the Registration or Security, Stamps may be refused.

VII. Provided always, That if the Printer, Publisher, or Proprietor of any such registered periodical Publication shall refuse or neglect to make and deliver a fresh Declaration, or to enter into and give any fresh Security in manner aforesaid, when and so often as he or they shall be required by or under the Authority of the Provisions of the several Acts herein mentioned or referred to, it shall be lawful for the Commissioners of Inland Revenue and their Officers respectively to refuse to stamp any Paper for such periodical Publication until such fresh Declaration shall be made and delivered, or until such fresh Security be given, as the Case may be.

Newspapers may be registered at the General Post Office to entitle the same to the Privilege of Transmission abroad under Treaties with Foreign Powers.

VIII. And whereas certain Treaties and Arrangements have been made and entered into, by and between Her Majesty's Government and certain Foreign and Colonial Governments, for regulating the Transmission of British Newspapers abroad; and it is expedient to make Provision for enabling Her Majesty's Postmaster General to secure for such Newspapers respectively the Privileges and Advantages of such Treaties and Arrangements: Be it therefore enacted, That, upon the Postmaster General being satisfied that any printed Publication is a Newspaper, or entitled to the Privileges of a Newspaper, within the Meaning of such Treaties and Arrangements as aforesaid, it shall be lawful for the Proprietor or Printer of such Newspaper or Publication, if he shall think fit, to register the same at the General Post Office in London, in such Form and with such Particulars relating to the same, and subject to the Payment of such Fees, not exceeding *Five Shillings* respectively, as well on Registration as afterwards periodically for being continued on the Register, as the Postmaster General, with Consent of the Commissioners of the Treasury, shall from Time to Time direct or require in that Behalf; and thereupon such Newspaper, being printed on Paper duly stamped with an appropriated Die under the Provisions of this Act, shall be entitled to all the Privileges and Advantages secured to Newspapers by any such Treaties and Arrangements as aforesaid.

Transmission by Post of printed Papers to Foreign Countries.

IX. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to allow any printed Newspaper (British, Colonial, or Foreign,) to be transmitted by the Post between Places in the United Kingdom and Her Majesty's Colonies or Foreign Countries, or between any Ports or Places beyond the Sea (whether through the United Kingdom or not), either free of Postage or subject to such Rates of Postage not exceeding *Twopence* for each Newspaper, irrespective of any Foreign or Colonial Postage, as the Commissioners of the Treasury, or the Postmaster General with their Consent, shall from Time to Time think fit.

X. It

Power to the Postmaster General, with Consent of Treasury, to make Regulations for carrying the Act into effect.

X. It shall be lawful for Her Majesty's Postmaster General, with the Consent of the Commissioners of Her Majesty Treasury, at any Time or Times hereafter to make and issue such Orders, Regulations, Conditions, and Restrictions as they shall deem to be necessary or expedient for the Purpose of regulating the Receipt, Transmission, and Delivery by Post of periodical Publications under the Provisions of this Act, or for preventing or detecting Frauds or Abuses in relation thereto, and for giving effect to the Purposes of this Act; and it shall also be lawful for the said Postmaster General, with the like Consent, from Time to Time to rescind or revoke all or any such Orders, Regulations, Conditions, and Restrictions, and to make and issue any new ones in lieu thereof.

Periodical Publications sent by Post not in conformity with this Act to be charged Letter Rates of Postage.

XI. All periodical Publications sent by Post otherwise than in conformity with the Terms, Conditions, and Regulations established by or under the Authority of this Act shall be chargeable with the like Rates of Postage as if the same were Letters transmitted by the Post: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to authorize Her Majesty's Postmaster General to charge in any such Case any such less Rate of Postage as to him shall seem fit.

London Gazette to be Evidence of the issuing of Warrants or Orders.

XII. Any printed Copy of the London Gazette in which any Warrant or Order issued or made under or by virtue of this Act, or purporting so to be, shall be published, shall be admitted as Evidence by all Courts, Judges, Justices, and others, of such Warrant or Order, and of the due making and issuing thereof, and of the Contents thereof, without any further or other Proof of such Warrant or Order, or of the Matters therein contained.

Interpretation Clause.

XIII. The Term "periodical Publication" used in this Act shall be construed to mean and include a Newspaper as defined by the Acts in force relating to the Stamp Duties on Newspapers, and every printed literary Work or Paper, printed and published periodically, or in Parts or Numbers, at Intervals not exceeding *Thirty-one* Days between any Two consecutive Papers, Parts, or Numbers of such literary Work or Paper.

Newspaper Stamp Duties.

A

B I L L

To amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications.

(*Prepared and brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.*)

Ordered, by The House of Commons, *to be Printed*, 20 *March* 1855.

[Bill 62.]

Under 1 *oz.*

1 *May* 1855. 18 Vict.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications.

[Note.—*The Clauses marked* A. *and* B. *were added by the Committee.*]

WHEREAS it is expedient to amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act it shall not be compulsory (except for the Purpose of free Transmission by the Post) to print any Newspaper on Paper stamped for denoting the Duties imposed by Law on Newspapers, and no Person shall be subject or liable to any Penalty or Forfeiture for printing, publishing, selling, or having in his Possession any unstamped Newspaper. Not to be compulsory to print Newspapers on Stamps.

II. Every periodical Publication herein-after mentioned which shall be printed on Paper stamped for denoting the Rate of Duty now imposed Periodical Publications printed on Stamps to be

transmitted by Post free of Postage.

imposed by Law on Newspapers shall be entitled to the like Privileges of Transmission and Re-transmission by the Post between Places in the United Kingdom, either Postage-free or otherwise, on the same Terms and Conditions and under and subject to the like Rules and Regulations as Newspapers duly stamped are now entitled and subject to under any Act or Acts in force, but under and subject nevertheless to the Terms and Conditions in this Act contained.

Periodical Publications entitled to free Transmission by Post to be printed under certain Limitations and Conditions specified.

III. Every periodical Publication to be entitled to any such Privilege as aforesaid shall be printed and published at Intervals not exceeding Thirty-one Days between any Two consecutive Parts or Numbers of such Publication, and shall be subject to the same Limitations and Restrictions with respect to the Number of Sheets or Pieces of Paper whereon the same shall be printed, and with respect to the Superficies or Dimensions of the Letter-press thereof, as by any Act or Acts now in force are enacted or imposed with respect to Newspapers and Supplements thereto; and every such periodical Publication shall be entitled to such Privilege only on the Terms and Conditions following; (that is to say,) One of the Sheets or Pieces of Paper on which the same shall be printed shall be stamped with an appropriated Die, denoting the Stamp Duty imposed by Law on a Newspaper printed on the like Number of Sheets or Pieces of Paper and of the like Dimensions, with respect to the Superficies of the Letter-press thereof; and on the Top of every Page of such Publication, there shall be printed the Title thereof, and the Date of publishing the same; and such periodical Publication at the Time when the same shall be posted shall be folded in such Manner, that the whole of the Stamp denoting the said Duty shall be exposed to view, and be distinctly visible on the Outside thereof; also such periodical Publication shall not be printed on Pasteboard or Cardboard, or on Two or more Pieces or Thicknesses of Paper pasted together, nor shall any Pasteboard, Cardboard, or such pasted Paper be transmitted by Post with any such periodical Publication either as a Back or Cover thereto, or otherwise.

Paper to be stamped for such periodical Publications at the Request of the Proprietor or Printer.

IV. It shall be lawful for the Proprietor or Printer of any such periodical Publication to send to the Commissioners of Inland Revenue, or to such Officer as they shall appoint or direct in that Behalf, any Quantity of Paper to be stamped with an appropriated Die, to be provided in the Manner directed by the Third Section of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, for denoting the Rate of Stamp Duty chargeable on Newspapers; and upon Payment to the proper Officer of the full Amount of the Stamps required to be impressed on such Paper,

Paper, the said Commissioners or their proper Officer shall cause the same to be stamped accordingly: Provided always, that there shall be allowed in Ireland, in respect of such appropriated Stamps as aforesaid for any periodical Publication which shall be printed and published only in Ireland, the same Rate of Discount as by the said last-mentioned Act is directed to be allowed on the Purchase of Stamps for the printing of Newspapers in Ireland.

Discount to be allowed on Stamps in Ireland.

CLAUSE A.

Every periodical Publication, posted in the United Kingdom, to be entitled to the Privilege of Transmission by the Post, under the Provisions of this Act, shall be put into a Post Office within Fifteen Days next after the Day on which the same shall be published; the Day of Publication to be determined by the Date of such Publication.

Periodical Publications to be posted within Fifteen Days after being published.

CLAUSE B.

In all Cases in which a Question shall arise whether a printed Paper is entitled to the Privilege of a periodical Publication, so far as respects the Transmission thereof by the Post under the Provisions of this Act, the Question shall be referred to the Determination of the Postmaster General, whose Decision, with the Consent of the Commissioners of Her Majesty's Treasury, shall be final.

Questions as to periodical Publications, how determined.

V. And whereas certain Treaties and Arrangements have been made and entered into, and other Treaties and Arrangements may hereafter be entered into, by and between Her Majesty's Government and certain Foreign and Colonial Governments, for regulating the Transmission of British Newspapers abroad; and it is expedient to make Provision for enabling Her Majesty's Postmaster General to secure for such Newspapers respectively the Privileges and Advantages of such Treaties and Arrangements: Be it therefore enacted, That, upon the Postmaster General being satisfied that any printed Publication is a Newspaper, or entitled to the Privileges of a Newspaper, within the Meaning of such Treaties and Arrangements as aforesaid, it shall be lawful for the Proprietor or Printer of such Newspaper or Publication, if he shall think fit, to register the same at the General Post Office in London, in such Form and with such Particulars relating to the same, and subject to the Payment of such Fees, not exceeding Five Shillings respectively, as well on Registration as afterwards periodically for being continued on the Register, as the Postmaster General, with Consent of the Commissioners of the Treasury, shall from Time to Time direct or require in that Behalf; and thereupon such Newspaper or Publication, being printed on Paper duly stamped with an appropriated Die under the Provisions of this Act, shall be entitled to all the Privileges and Advantages secured to Newspapers by any such Treaties and Arrangements as aforesaid.

Newspapers may be registered at the General Post Office to entitle the same to the Privilege of Transmission abroad under Treaties with Foreign Powers.

Transmission by Post of printed Papers to Foreign Countries.

VI. It shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to allow any printed Newspaper (British, Colonial, or Foreign) to be transmitted by the Post between Places in the United Kingdom and Her Majesty's Colonies or Foreign Countries, or between any Ports or Places beyond the Sea (whether through the United Kingdom or not), either free of Postage or subject to such Rates of Postage not exceeding Twopence for each Newspaper, irrespective of any Foreign or Colonial Postage, as the Commissioners of the Treasury, or the Postmaster General with their Consent, shall from Time to Time think fit; and as a Condition to any printed Newspaper being transmitted by the Post to any Place out of the United Kingdom, the said last-mentioned Commissioners or the Postmaster General may require the same to be registered at the General Post Office in London in such Form and with such Particulars and subject to the Payment of such Fees as in the last preceding Section mentioned.

Power to the Postmaster General, with Consent of Treasury, to make Regulations for carrying the Act into effect.

VII. It shall be lawful for Her Majesty's Postmaster General, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time or Times hereafter to make and issue such Orders, Regulations, Conditions, and Restrictions as he shall deem to be necessary or expedient for the Purpose of regulating the Receipt, Transmission, and Delivery by Post of periodical Publications under the Provisions of this Act, or for preventing or detecting Frauds or Abuses in relation thereto, and for giving Effect to the Purposes of this Act; and it shall also be lawful for the said Postmaster General, with the like Consent, from Time to Time to rescind or revoke all or any such Orders, Regulations, Conditions, and Restrictions, and to make and issue any new ones in lieu thereof.

Periodical Publications sent by Post not in conformity with this Act to be charged Letter Rates of Postage.

VIII. All periodical Publications sent by Post otherwise than in conformity with the Terms, Conditions, and Regulations established by or under the Authority of this Act shall be chargeable with the like Rates of Postage as if the same were Letters transmitted by the Post: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant under their Hands, to authorize Her Majesty's Postmaster General to charge in any such Case any such less Rate of Postage as to him shall seem fit.

London Gazette to be Evidence of the issuing of Warrants or Orders.

IX. Any printed Copy of the London Gazette in which any Warrant or Order issued or made under or by virtue of this Act, or purporting so to be, shall be published, shall be admitted as Evidence by all Courts, Judges, Justices, and others, of such Warrant or Order, and of the due making and issuing thereof, and of the Contents thereof,

thereof, without any further or other Proof of such Warrant or Order, or of the Matters therein contained.

X. The Term "periodical Publication" used in this Act shall be construed to mean and include a Newspaper as defined by the Acts in force relating to the Stamp Duties on Newspapers, and every printed literary Work or Paper, printed and published periodically, or in Parts or Numbers, at Intervals not exceeding Thirty-one Days between any Two consecutive Papers, Parts, or Numbers of such literary Work or Paper; and for all the Purposes of this Act the Islands of Guernsey, Jersey, Alderney, Sark, and the Isle of Man shall respectively be deemed to be Part of the United Kingdom. Interpretation Clause.

Newspaper Stamp Duties.

A

BILL

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to the Stamp Duties on Newspapers, and to provide for the Transmission by Post of printed periodical Publications.

(Prepared and brought in by Mr. Bouverie, Mr. Chancellor of the Exchequer, and Mr. Wilson.)

Ordered, by The House of Commons, *to be Printed,* 1 *May* 1855.

[Bill 102.]

Under 1 *oz.*

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble refers to 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111., Nuisances Removal and Diseases Prevention Acts, and

Section 1. repeals those Acts, saving Proceedings in progress, Orders issued, &c.

Sect. 2. Interpretation of Act.

PART I.—*Constitution of local Authority, Description of Nuisances, and Powers of Entry.*

Sect. 3. Local Authorities to execute Act.

Sect. 4. Election of Nuisances Removal Committee.

Sect. 5. Chairman to decide Questions arising as to Elections, &c.

Sect. 6. Committee to produce Accounts.

Sect. 7. Provisions for Election of new Members.

Sect. 8. Filling up Vacancies.

Sect. 9. Committee of local Authority to be appointed.

Sect. 10. Execution of Act in Extra-parochial Places.

Sect. 11. Description of Nuisances to be abated.

Sect. 12. Inspector of Nuisances to be appointed.

Sect. 13. Powers of Entry for local Authority or their Officers.

PART II.—*Removal of Nuisances.*

Sect. 14. Notice of Nuisances to ground Proceedings of local Authority.

Sect. 15. Proceedings of local Authority before Justices.

Sect. 16. Order of Justices for Abatement and Prohibition.

Sect. 17. Consequences of Disobedience to Order.

Sect. 18. Appeal against Order of Prohibition.

Sect. 19. Appeal against Order of Abatement when structural Works are required.

Sect. 20. Where Person committing Nuisance cannot be found, local Authority to execute Order at once.

Sect. 21. Matter causing Nuisance to be sold.
Sect. 22. Expenses of Works charged to Person on whom Order made, or on Premises, and recoverable in County Court or before Justices.
Sect. 23. Proceedings before Justices to recover Expenses and Penalties.
Sect. 24. Proviso as to Proceedings against Owner or Occupier.
Sect. 25. Application of Enactment to Ireland.
Sect. 26. Surveyors of Roads to cleanse Ditches, &c.
Sect. 27. Covering, &c. of open Ditches serving for Sewerage of both Roads and Houses.
Sect. 28. Return to be made as to Drainage Works.
Sect. 29. Notice to be given to General Board of Health of opening certain Hospitals.
Sect. 30. Penalty on Sale of unwholesome Meat, &c.
Sect. 31. Justices may order Nuisances from offensive Trades or Processes to be abated.
Sect. 32. Penalty for Disobedience of Orders of Justices.
Sect. 33. Local Authority to order Costs of Prosecutions to be paid out of the Rates.

PART III.—*Prevention or Mitigation of Diseases.*

Sect. 34. Issue and Publication of Orders in Council for Prevention or Mitigation of epidemic Disease.
Sect. 35. General Board of Health may issue Regulations under Order in Council.
Sect. 36. Publication of the Regulations.
Sect. 37. Local Authority to see to the Execution of the Regulations and Directions.
Sect. 38. Local Authority may direct Prosecutions.
Sect. 39. Application to Ireland.
Sect. 40. Orders of Council, Directions and Regulations of Board of Health, to be laid before Parliament.
Sect. 41. When Order in Council in force, over-crowded Houses to come under Common Lodging Houses Act.
Sect. 42. Order in Council to extend to Parts of Sea within Admiralty Jurisdiction.
Sect. 43. Power for Medical Officer of Union and others to recover Costs of attending Sick on board Vessels, when required by Orders of General Board of Health.
Sect. 44. Authentication of Directions and Regulations of General Board of Health.

PART IV.—*Common Provisions and Procedure.*

Sect. 45. Penalties on local Authority for Neglect of Duty under this Act.
Sect. 46. Local Authority to furnish Returns.
Sect. 47. Service of Notices, Summonses, and Orders.
Sect. 48. Proof of Resolutions of local Authority.
Sect. 49. One or more joint Owners or Occupiers may be proceeded against alone.
Sect. 50. Unnecessary to describe Owners or Occupiers by Name in certain Cases.
Sect. 51. Penalty for obstructing Execution of Act.
Sect. 52. Penalty on Occupier obstructing Owner.
Sect. 53. Recovery of Penalties and Expenses.
Sect. 54. Expense of Execution of Act.
Sect. 55. Justices being Members of local Authority may act.
Sect. 56. Proceedings not to be quashed for Want of Form.
Sect. 57. Appeal to Quarter Sessions.
Sect. 58. Forms.
Sect. 59. Protection of local Authority and Officers executing Act.
Sect. 60. Constables to aid in executing Act.
Sect. 61. Saving Common Law Jurisdiction as to Nuisance.
Sect. 62. Short Title.

[The Initials N.R. and D.P. in the Margin of some of the Sections refer to the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.]

SCHEDULES.

LIST OF FORMS.

FORM (A.) Order of Justices for Admission of Officer of Local Board to inspect private Premises.
„ (B.) Notice of Nuisance.
„ (C.) Certificate of Nuisance.
„ (D.) Notice to Owner or Occupier of Entry for Examination.
„ (E.) Summons.
„ (F.) Order of Justices for Removal of Nuisances by Owner, &c.

FORM (G.) Order of Justices for Removal of Nuisances by local Authority.

„ (H.) Notice to Owner or Occupier previous to Removal of Nuisances by local Authority.

„ (I.) Order to permit Execution of Works by Owners.

„ (J.) Return to be made annually by the Highway Surveyors or other Authority having the Duty of repairing, cleansing, or paving the Highways in any Parish.

„ (K.) Return of Proceedings under Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Act.

A

B I L L

TO

Consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

[Note.—The Words printed in *Italics* are proposed to be inserted in Committee.]

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to England and Ireland, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed. Saving Proceedings in progress.

I. From and after the *passing of this Act*, the said Acts are hereby repealed, as far as relates to England and Ireland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for England, and of the Lord Lieutenant and Council of Ireland for Ireland, and all Directions and Regulations issued, and all Appointments of Officers and Persons made and all Contracts or Works undertaken by virtue of the said Acts,

shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of Words.

II. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Words "Justice" and "Justices" shall mean a Justice or Justices of the Peace acting for the Place where the Matter, or any Part of the Matter, as the Case may be, requiring the Cognizance of the "Justice or Justices," arises; the Expression "Two Justices" shall mean Two or more Justices assembled and acting together, and that Expression and the Word "Justice" shall include One Stipendiary or Police Magistrate acting in any Police Court for the Place in which the Matter, or any Part of the Matter, as the Case may be, requiring Cognizance, arises; the Words "Guardians of the Poor" shall mean the Guardians, Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Union, Parish, or Place where the Matter requiring the Cognizance of any such Officer arises; the Word "Owner" shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" shall include any Road, Street, Court, Passage, whether a Thoroughfare or not, and any open or enclosed Areas or Spaces, whether waste or otherwise, Sea Beaches, and Parts or Places between High and Low Water Mark; the Word "Parish" shall include every Place separately maintaining its Poor; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole.

PART I.

Constitution of local Authority, and Description of Nuisances and Powers of Entry.

And with respect to the Constitution of the local Authority for the Execution of this Act, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

Local Authority to execute Act.

III. The following Bodies shall respectively be the local Authority to execute this Enactment in the Districts hereunder stated in England:

In any City, Town, or Borough wherein a Town Council exists, the Town Council:

In

In any District within which the Public Health Act is in force, the Local Board of Health:

In any City, Town, Borough, Parish or Part thereof, or Place, in which there is no Town Council or Local Board of Health, the Trustees or Commissioners, or like Authority having by Law Powers of Street Cleansing:

In any Parish or Part of any Parish within which there is no Town Council, Local Board of Health, Trustees, Commissioners, or like Authority having such Powers of Street Cleansing, the Board for the Repair of the Highways of such Parish in England:

In any Parish or Part thereof where there is no such Town Council, Local Board of Health, Trustees, Commissioners, or like Authority, nor Highway Board, any Committee specially elected as herein-after provided for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Parish or Place shall be ex officio a Member or Members; and such Committee may consist of such Number of Members as the Vestry shall determine, not being more than *Twelve*, exclusive of such Surveyor or Surveyors:

In any Parish or Part of any Parish in which there is no such Town Council, Local Board of Health, Body of Trustees, or Commissioners having such Powers of Street Cleansing, Highway Board, nor Committee appointed as aforesaid, the Board of Guardians of the Poor of the Union in which such Parish is comprised, or if the same be not comprised in a Union, the Guardians of the Poor of such Parish.

Election of Nuisances Removal Committee. (Founded on Election Provisions of General Watching and Lighting Act.)

IV. The said Nuisances Removal Committee shall be elected as follows:

Any Person resident in the Parish or Part of the Parish for which the Committee is to be elected, and rated to the Relief of the Poor on an annual Value of not less than *Fifteen Pounds*, may be proposed and seconded as a Member of such Committee, at a duly summoned Vestry Meeting, by any Person qualified to vote thereat; and if more Candidates be proposed than the Number to be elected, a Poll may be demanded; and the Chairman shall open and proceed with such Poll on a Day to be fixed by him, not more than *Two* clear Days from the Day of such Meeting, and shall cause to be entered in a Book prepared for the Purpose the Names of such Candidates and the Votes of all duly qualified Voters voting for the same, with their Descriptions and Abodes; and if the Votes of all duly qualified Voters desirous to vote cannot be conveniently collected and registered by

Four o'Clock of the Day on which the Poll commenced, then the Chairman shall at that Hour adjourn the Poll to the following Day, and shall then proceed to collect and register the Votes of all Persons duly qualified and applying to vote: Provided, nevertheless, that the Poll shall formally close at *Four* o'Clock on the Day to which it shall have been adjourned, or sooner, provided all Persons duly qualified and desirous to vote shall have voted, or after the Lapse of an Hour without any Person offering to vote; and as soon after the Close of the Poll as may be possible, the Result thereof shall be declared at the Place where the Election has been held, and certified by the Chairman to the Overseer of the Poor, the Highway Surveyors, and the General Board of Health; and the Voting Book shall be deposited in the Hands of the Vestry Clerk, and shall be open to the Inspection of the Ratepayers for *One Month* after the Date of such Election; and all reasonable Costs and Charges incurred in and about such Election shall be repaid out of the Rates or Funds administered by the said Committee under this Act.

Chairman to decide Questions arising as to Elections, &c. (General Watching and Lighting Act.)

V. The Chairman of such Meeting shall decide on all Questions which may arise as to the Eligibility or Qualification of Candidates or Voters, and as to all Matters connected with the said Election.

Committee to produce Accounts. (General Watching and Lighting Act.)

VI. Such Committee shall within *One Month* next after the Expiration of One Year from the Time of their Election give Notice to the Churchwardens that they are ready to produce their Accounts and Vouchers for the previous Year, and thereupon the Churchwardens shall give due Notice of a Vestry Meeting for the Production of such Accounts and Vouchers of all Monies received and paid by virtue of this Act for the preceding Year, and for the Election of new Members.

Provisions for Election of new Members.

VII. At such Meeting the Committee shall produce their Accounts and Vouchers as aforesaid, and a Copy of such Accounts shall be kept for the Inspection at all reasonable Times of all Parties interested; and *One Third* of the Committee, or as near *One Third* as the Number elected will admit of, shall go out of Office annually in Rotation, the Order of Retirement to be fixed as the Committee shall determine, and a like Number shall be elected in their Place as herein-before provided: Provided always, that any Member going out may be re-elected.

One Third of Committee to go out annually.

VIII. On

Filling up Vacancies. (General Watching and Lighting Act.)

VIII. On any Vacancy arising from Death, Disqualification, by Change of Residence or otherwise, Notice shall be immediately given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy in the Manner herein-before directed.

Committee may be appointed.

IX. The local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Enactment, whereof Two to be a Quorum; and such local Authority, or their Committee, may, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings before Justices on their Behalf.

Execution of Act in Extra-parochial Places.

X. In Extra-parochial Places not comprised within the Jurisdiction of a Town Council, Local Board of Health, or Board for Repair of Highways, Commissioners, or Trustees, the local Authority of the adjacent City, Town, Borough, Parish, or Part thereof, or Place having the largest common Boundary therewith shall put this Act in execution; and all Expenses incurred under this Act, and which in case of a Parish would be chargeable to the Parish, shall, in case of any such Extra-parochial Place, upon an Order in Writing specifying the Sum to be paid, under the Hands and Seals of Two Justices, be paid or defrayed out of any public Rates or Funds lawfully raised in or applicable to such Extra-parochial Place, or if there be no such Rates or Funds, then out of the Rates or Funds applicable to the Purposes of this Act in the City, Town, or Place for which the local Authority by whom the Expenses have been incurred act.

Description of Nuisances abateable.

XI. The Word "Nuisances" under this Act shall include—

Any filthy, unwholesome, or dilapidated House, Building, or Premises:

Any foul or offensive Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit:

Any Animal so kept as to be injurious to Health:

Any decaying or offensive Accumulation or Deposit.

Local Authority to appoint sanitary Inspector. Remuneration.

XII. The local Authority shall, for the Purposes of this Act, appoint or employ an Inspector or Inspectors of Nuisances, and shall make Byelaws for regulating the Duties of such Officer or Officers, and may appoint a convenient Place for his or their Office, and shall allow to every Person on account of his Employment a proper Salary or Allowance; and where the local Authority is a Board of Guardians, if an Inspector be appointed for the Union his Salary or Allowance

shall be paid out of the Common Fund, and if he be appointed for several Parishes constituting Parts only of the Union the said Guardians shall settle the Proportions in which the Parishes concerned shall make up such Salary or Allowance, and if he be appointed for a single Parish his Salary or Allowance shall be charged to such Parish; subject nevertheless, in regard to such Salary or Allowance, and the proportionate Contributions of Parishes thereto, and the Qualification, Continuance in Office, Duties, and Accountability of the Officer when he is appointed by Guardians elected under the Provisions of the Act of the Fourth and Fifth Year of the Reign of King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," to the Control of the Commissioners for administering the Laws for the Relief of the Poor in England.

When Officer is appointed by Guardians under Poor Law Amendment Act.

Power of Entry to local Authority or their Officer.

XIII. The local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between *Nine* in the Morning and *Six* in the Evening; and if Admission be refused, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, by Order under his Hand, require the Person having the Custody of the Premises to admit the local Authority or their Officer.

2. To examine Premises where Nuisances exist, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, Notice or Certificate has been given of the Existence of a Nuisance, or when an Order of Abatement or Prohibition under this Act has been made, the local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, giving to the Person in Custody of the Premises (except in Cases of Emergency or continuing Works) Twenty-four Hours Notice in Writing, signed by the Officer of the local Authority empowered under this Act, to make Complaints or take Proceedings.

3. To remove or abate a Nuisance after the Order of Justices has issued in case of Non-compliance with or Infringement of the Order.

For

For this Purpose the local Authority or their Officer may from Time to Time enter at all reasonable Hours without Notice.

4. To execute the Regulations and Directions of the General Board of Health issued under Authority of an Order in Council, as herein-after provided.

For this Purpose the local Authority, or the Officers or Persons by them authorized to do so, may at reasonable Times in the Day-time enter and inspect any Premises where they have Ground for believing that any Person has recently died of any Epidemic, Endemic, or contagious Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of the Directions and Regulations of the General Board of Health issued under this Act.

PART II.

With regard to the Removal of Nuisances, be it enacted thus:

Notices of Nuisances to ground Proceedings of local Authority;

XIV. Notice of Nuisance may be given to the local Authority by any Person aggrieved thereby, or by any of the following Persons: *Two* or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer or Inspector of the Poor of the Union or Parish; any Constable or Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses; and the local Authority may take cognizance of any such Nuisance, on the Information of their Inspector of Nuisances, after Entry made as herein-before provided, or without Entry or Examination, upon a Certificate thereof in Writing signed by the Medical Officer of the Union or Parish, by any Officer of Health appointed under the Provisions of the Public Health Act or any Local Act, or by *Two* legally qualified Medical Practitioners.

or Medical Certificate.

Proceedings by local Authority before Justices in the Case of Nuisances, recurrent or otherwise. Complaint: Summons: Hearing.

XV. In any Case where a Nuisance is so ascertained by or certified to the local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice or Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act or Default the Nuisance arises or continues to appear before any Two Justices; and if it be proved to their Satisfaction that the Nuisance exists, or, if removed or discontinued since the Notice or

Certificate was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned.

Justices Order for Abatement.

XVI. By their Order the Justices may require such Person to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, or amend the Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to remove the Animal, or to carry away the Accumulation of offensive Matter (according to the Nature of the Case), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Justices unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the local Authority, and on being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which Order such House may be let or inhabited.

Prohibitive Order against future Nuisance.

Penalty for Contravention of Order of Abatement; and of Prohibition.

XVII. If the said Order for Abatement be not complied with, the Person on whom it is made shall be liable for every such Offence to a Penalty of not more than *Ten Shillings* per Day during his Default; and if the said Order of Prohibition be infringed by the Act or Authority of the Owner, Occupier, or Person on whom the same is made, such Owner, Occupier, or Person shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such Infringement; and the local Authority may, under the Power of Entry herein-before given, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order.

Local Authority may enter and remove or abate Nuisance.

Appeal against Order of Prohibition.

XVIII. Any such Order of Prohibition may be appealed against as herein-after provided, and Application to set aside any such Order may be made to the Court of Queen's Bench, on *Fourteen* Days Notice

Notice being given to the local Authority of the Intention to make such Application, specifying the Grounds thereof, to which the Appellants shall be confined.

Appeal against Order of Abatement when structural Works are required of a Cost above 15*l.*

XIX. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may, before making their Order for Abatement, require the local Authority, within a Time to be specified by the Justices, to furnish them an Estimate of the Cost of the required Works; and in case the Cost of such Works will in the Judgment of the Justices exceed the Sum of *Fifteen* Pounds, they shall notify the same in the Order; and no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order, if within *Seven* Days from the Date thereof the Person on whom it is made shall have given Notice to the local Authority of his Intention to appeal against such Order as herein-after provided, and shall appeal accordingly.

If Person causing Nuisance cannot be found, local Authority to execute Order at once.

XX. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises is not known or cannot be found, then such Order may be addressed to the local Authority, and the Works thereby directed may thereupon, without Notice of Entry, be executed by such local Authority.

Manure, &c. to be sold.

XXI. Any Animal, Matter, or Thing removed by the local Authority in pursuance of this Enactment may be sold, and the Proceeds retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Animal, Matter, or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XXII. All reasonable Costs and Expenses from Time to Time incurred in obtaining such Order of Justices, or in carrying the same into effect, making the Complaint, or giving Notice or Certificate as aforesaid, shall be deemed to be Money paid for the Use and at the Request of the Person on whom it is made; and in case of Nuisances by the Owner or Occupier of Premises, the said Premises shall continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered from any present or future Owner or Occupier of such Premises, or from the Person causing the Nuisance, respectively, in any County or Superior Court, or, if the local Authority think fit, before any Two Justices of the Peace.

Proceedings before Justices to recover Expenses.

XXIII. Where any Costs, Expenses, or Penalties are due as aforesaid, any Justice of the Peace, upon the Application of the local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are due as aforesaid, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within *Seven* Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices granting such Warrant, and it so appear upon Oath before Two Justices of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices shall endorse the said Warrant with their Signature, and the Expense of such Endorsement and Levy thereunder, and thereupon the Amount to be levied, or so much thereof as remains unsatisfied, shall, together with the Costs of endorsing the said Warrant and Levy thereunder, be levied on the last-mentioned Goods and Chattels.

Proviso as to Proceedings against Owner or Occupier.

XXIV. Provided always, That when such Order as last aforesaid is made on an Owner, any Costs, Expenses, or Penalties incurred in respect thereof shall be payable by the Occupier of the Premises to which the Order relates, and he shall be liable in respect thereof to such Distress and Sale as aforesaid, but not to any greater Amount than the Rent actually due; and any Sum so paid by such Occupier shall be deducted by him from the Rent due, or from Time to Time becoming due, and the Receipt for the Amount so paid shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Application of the Enactment to Ireland.

XXV. The above Provisions of this Enactment shall extend to Ireland, with the following Modifications: The local Authority to execute the Act shall be, in Municipal Cities and Boroughs, the Town Councils; and in Towns, Townlands, and Places in which there is no Town Council, the Guardians of the Poor of the Unions comprising such Townlands or Places; Notice of Nuisance may be given by the Officer of Health of any Parish as well as by Householders

Householders or others aforesaid; Costs may be recovered from Owners or Occupiers or Persons liable in the Civil Bill Courts or before Justices; Costs not so recovered shall be chargeable to the proper Electoral Division; and wherever the Poor Law Board is referred to, the Commissioners for administering the Laws for the Relief of the Poor in Ireland shall be also understood; wherever the Word "Parish" is used, it shall be understood to mean an Electoral Division; wherever the Words "Medical Officer of a Union or Parish" are used, they shall be understood to mean and apply to a Medical Officer of a Dispensary District as well as to any Medical Officer acting under the Direction of the Board of Guardians; and the said Reports under this Act of Proceedings by Town Councils shall be made to the Chief Secretary to the Lord Lieutenant, and of Proceedings by Guardians of the Poor to the Poor Law Commissioners.

Surveyor of Highways to cleanse Ditches, &c.

XXVI. All Surveyors, or District or Assistant Surveyors, Trustees or Surveyors of Highways or Turnpike Roads respectively, shall scour, cleanse, and keep open, as far as may be practicable, all Ditches, Gutters, Drains, or Watercourses in and through any Lands or Grounds adjoining or lying near to any such Highway or Turnpike Road, and shall sell any Matter or Thing removed, and shall apply the Proceeds arising therefrom towards the Repair of the Highways within the Parish or Place in which such Removal shall have taken place, or towards the Repair of the Turnpike which such Ditch, Gutter, Drain, or Watercourse adjoins or lies near; and this Provision shall be deemed to be Part of the Laws respectively relating to Highways and Turnpikes in England.

Open Ditches, &c. to be covered or improved.

XXVII. Whenever any such Ditch, Gutter, Drain, or Watercourse as aforesaid shall be used, or partly used, for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises, and cannot, in the Opinion of the local Authority, or of the Surveyors of Highways in case there be no local Authority other than the Board of Guardians, be kept free from Foulness without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority, or the Surveyors of Highways in the Case aforesaid, shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the

Reign of King William the Fourth, intituled "An Act for consoli- " dating and amending the Laws relating to Highways in England;" and such local Authority, or the Surveyor of Highways in the Case aforesaid, are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate, or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after *Fourteen* Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in England.

Return to be made as to Drainage Works.

XXVIII. The local Authority, or the Surveyors of Highways where there shall be no other Authority than the Board of Guardians, shall, on or before the *Twenty-fifth Day of March* in each Year, make to Her Majesty's Principal Secretary of State for the Home Department a Return in the Form J. in the Schedule hereunto annexed, such Return having previously to its Transmission to the said Board been laid before and approved by a Vestry Meeting of the Parish or Place for which it is made, duly summoned, and which is hereby required to be summoned by the said Surveyors for receiving and considering the same; provided, that in the Cases where such Return is made by a Highway Board, or any Body of Trustees, or Commissioners, or any Town Council, or Local Board of Health, it shall not be necessary to lay the same before a Vestry Meeting, but the same may, instead thereof, be and is hereby required to be printed and circulated in the Parish or Place to which it relates *Fourteen* Days at the least before the Day on which the same Return is made.

Notice to be given to General Board of Health of Intention to build Hospitals. N. R. & D. P. Act, 1848, s. 8.

XXIX. Whenever it is intended to build or open any Hospital wholly or in part for the Reception of Patients afflicted with contagious or infectious Diseases or Disorders, the Trustees or other Persons by whose Authority such Hospital is intended so to be built or opened as aforesaid shall give Notice of such Intention to the General Board of Health, or (in Ireland) to the Commissioners of Health; and no such Hospital shall be built or opened as aforesaid

aforesaid until the said General Board of Health or Commissioners of Health, as the Case may be, have approved thereof in Writing; but nothing herein contained shall apply to the building or opening of any Addition to a Building which shall have been used as a Hospital previously to such Addition.

Penalty on Sale of unwholesome Meat, &c.

XXX. The Inspector of Nuisances may, at all reasonable Times, inspect and examine any Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, or Fish belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game so found.

Justices may order Nuisances from offensive Trades or Processes to be abated. (Towns Improvement Clauses Act.)

XXXI. If any Candle-house, Melting-house, Melting-place, or Soaphouse, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling or crushing Bones, or any Manufactory, Building, or Place of Business, be at any Time certified to the local Authority by any Officer of Health or Medical Officer, or any *Two* legally qualified Medical Practitioners, to be a Nuisance, and injurious to the Health of the Inhabitants, the local Authority shall direct Complaint to be made before Two Justices; and any Justice may summon before any Two Justices the Person by or on whose Behalf the Work complained of is carried on, and such Justices shall inquire into such Complaint, and they may, by an Order in Writing under their Hands, order such Person to discontinue or remedy the Nuisance within such Time as to them shall appear expedient: Provided always, that if it appears to such Justices that, in carrying on any Business complained of, the best Means then known to be available for mitigating the Nuisance or the injurious Effects of such Business have not been adopted, they may suspend their final Determination, upon Condition that the Person so complained against shall undertake to adopt within a reasonable Time such Means as the said Justices shall judge to be practicable and order to be carried into effect for mitigating or preventing the injurious Effects of such Business.

Penalty for Disobedience of Orders of Justices. (T.I.C. Act.)

XXXII. If any such Nuisance or the Cause of any such injurious Effects as aforesaid be not discontinued or remedied within such Time as shall be ordered by the said Justices, the Person by or on whose Behalf the Business causing such Nuisance is carried on shall be liable to a Penalty not exceeding *Five Pounds* for every Day during which such Nuisance shall be unremedied after the Expiration of such Time as aforesaid: Provided always, that when any Person who thinks himself aggrieved by any such Order shall appeal against any such Order, as herein-after provided, such Person shall not be liable to discontinue or remedy the Nuisance or Cause of the injurious Effects mentioned therein, or to pay any Penalty, until after the Expiration of *Five* Days after the Determination of such Appeal and the Confirmation of such Order, unless such Appeal cease to be prosecuted.

Local Authority to order Costs of Prosecutions to be paid out of the Rates. (T.I.C. Act.)

XXXIII. The local Authority may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Area of their Jurisdiction, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Rates or Funds administered by them under this Act.

PART III.

Prevention of Diseases.

And with respect to the Prevention and Mitigation of Diseases, be it enacted thus:

Privy Council empowered to issue Orders for Diseases Prevention Provisions. N. R. & D. P. Act, 1848, s. 9.

XXXIV. Whenever any Part of England appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein contained for the Prevention of Diseases be put in force in England, or in such Parts thereof as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six* Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council, or of any Members thereof, as aforesaid, shall be certified under the Hand

Publication of such Orders.

Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and shall be published in the London Gazette; and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes. N.R. & D.P. Act, 1848, s. 15.

XXXV. From Time to Time after the issuing of any such Order as aforesaid, and whilst the same continues in force, the General Board of Health may issue Directions and Regulations as the said Board think fit— General Board of Health may issue Regulations to carry out such Provisions. N.R. & D.P. Act, 1848, s. 10.

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, guarding against the Spread of Disease, and affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such Medical Aid and such Accommodation as may be required:

And from Time to Time, in like Manner, may revoke, renew, and alter any such Directions and Regulations, as to the said Board appears expedient, to extend to all Parts in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts, and then to such Parts as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts. Local Extent and Duration of the Regulations of General Board. N.R. & D.P. Act, 1848, s. 10.

XXXVI. Every such Direction and Regulation as aforesaid, when issued, shall be published in the "London Gazette," and the Gazette in which such Direction or Regulation was published shall be conclusive Evidence of the Direction or Regulation so published, to all Intents and Purposes. Publication of the Regulations of the General Board. N.R. & D.P. Act, 1848, s. 15.

XXXVII. The local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be necessary for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, out of the Rates or Funds administered by the local Authority under this Act. The local Authority to see to the Execution of the Regulations and Directions.

XXXVIII. The local Authority may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Direction and Regulation, and may Local Authority may direct Prosecutions for

violating Regulations. N.R. & D.P. Act, 1849, s. 4.

defray the Expenses of such Prosecutions or Proceedings out of the Rates or Funds administered by them under this Act.

Application to Ireland.

XXXIX. The foregoing Provisions with respect to the Prevention and Mitigation of Diseases shall extend to Ireland, with the following Modifications: The Order for putting in force the said Provisions may be made, revoked, and renewed by the Lord Lieutenant and Privy Council of Ireland; and every such Order shall be certified under the Hands of One of the Clerks of the Privy Council of Ireland, and shall be published in the London Gazette; and in the Application of this Enactment to Ireland the Poor Law Commissioners in Ireland shall be understood where the General Board of Health or the Commissioners for administering the Laws for the Relief of the Poor in England are named, and the Term Guardians of a Parish shall mean Guardians of an Electoral Division.

Orders of Council, Directions and Regulations of Board of Health, to be laid before Parliament. N.R. & D.P. Act, 1848, s. 15.

XL. Every Order of Her Majesty's Privy Council or of the Lord Lieutenant and Privy Council of Ireland, and every Direction and Regulation of the General Board of Health or Poor Law Commissioners of Ireland respectively, under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen* Days next after the Commencement of the then next Session of Parliament.

When Order in Council in force, over-crowded Houses to come under Common Lodging Houses Act.

XLI. So long as any Order in Council for England, or any Order of the Lord Lieutenant of Ireland and Council for Ireland, is in force in any Place, on the Certificate of an Officer of Health, a Medical Officer, or *Two* duly qualified Medical Practitioners, that any House or Part of a House is so over-crowded as to be dangerous to Health, the local Authority, under the Common Lodging House Act, 1851, shall have Power to regulate the same House or Part of a House according to the Provisions of the Common Lodging House Acts.

Order in Council to extend to Parts of Sea.

XLII. Any Order in Council already issued for putting in force the Provisions for the Prevention of Disease in the said Nuisances Removal and Diseases Prevention Acts contained, in Great Britain, and any like Order of the Lord Lieutenant of Ireland and Council in Ireland, are hereby declared to extend, and all future Orders in Council or of the said Lord Lieutenant and Council for exe. cuting this Act shall and may extend, to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty; and the Board of Health for England, and the Commissioners of Health for Ireland, may issue under this Act Directions and Regulations for cleansing, purifying,

purifying, ventilating, and disinfecting, and providing Medical Aid and Accommodation, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Power for Medical Officer of Union and others to recover Costs of attending Sick on board Vessels, when required by Orders of General Board of Health.

XLIII. Whenever, in compliance with any Regulation of the General Board of Health or Commissioners of Health, which they were or may be empowered to make under the Nuisances Removal and Diseases Prevention Acts or this Act, any Medical Officer appointed under and by virtue of the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Union or Place for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Union or Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case of Dispute in respect of such Charges, such Dispute may, where the Charges do not exceed *Twenty Pounds*, be determined summarily, at the Place where the Dispute arises, as in case of Seaman's Wages not exceeding *Fifty Pounds* according to the Provisions of the Law in that Behalf for the Time being in force; and any Justice before whom Complaint is made shall determine summarily as to the Amount which is reasonable, according to the accustomed Rate of Charge within the Place for Attendance on Patients of the like Class or Condition as those in respect of whom the Charge is made.

Authentication of Directions and Regulations of General Board of Health.

XLIV. The Directions and Regulations of the General Board of Health under this Enactment shall be under the Seal of the said Board, and the Hand of the President or Two or more Members thereof; and any Copy of such Regulations, purporting to be so signed and sealed, shall be Evidence in all Proceedings in which they may come in question.

PART IV.

Common Provisions and Procedure.

And with regard to Matters common to both Objects of this Act, and to Procedure thereunder, be it enacted thus:

Penalties on local Authority for Neglect of Duty under this Act.

XLV. In every Case where Notice of Nuisance has been given to the local Authority in conformity with this Act, and such local Authority has not within Fourteen Days after the Receipt of such Notice taken the Steps required by this Act, and the Nuisance still remains, and in every Case in which any such Regulation and Direction of the General Board of Health as aforesaid has not been enforced by the local Authority, on Information thereof, on the Oath of One credible Witness, given to any Justice of the Peace, it shall be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Inspector of Nuisances, the Officer of the local Authority empowered to make Complaints or take Proceedings under this Act, or any other Officer of the local Authority within whose Cognizance the Matter of Complaint may appear to such Justice to come, to appear before any Two Justices, and the said Justices shall thereon inquire, in such Manner as they may think proper, into the alleged Neglect, and if they are of opinion that it is a Matter in which the local Authorities are bound to proceed under this Act they may make an Order on the local Authority, limiting and appointing a Time for their so proceeding, and in default of their so proceeding within the Time so limited the Persons named in such Order as being in default shall forfeit and pay to some Person to be named and appointed therein a Penalty to be therein stated, not exceeding the Sum of on each Person, which Penalty, when recovered, shall be applied and expended in the Performance of the Duty neglected by the local Authority, according to the Order of the said Justices, and the Surplus, if any, shall be appropriated in aid of the Rate for the Relief of the Poor.

Return of Proceedings.

XLVI. The local Authority shall in each Year make a Report containing an Account of Monies received and expended under this Act, with a Statement of the Steps taken by them in execution of this Act, (which may be in the Form K. in the Schedule to this Act,) of the Names of the local Authority, the Names and Addresses of their Officers, and of the Proceedings to be taken for the Removal of Nuisances, and shall cause Copies of such Return to be printed and sent to the General Board of Health, and circulated among the Persons assessed for the Relief of the Poor in their District, and may defray the Cost out of the Rates or Funds applicable in aid of this Act.

XLVII. Notices,

Service of Notices, Summonses, and Orders.

XLVII. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

XLVIII. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners or Occupiers may be proceeded against alone. N.R. & D.P. Act, 1848, s. 18.

XLIX. In case of any Demand or Complaint under this Act to which Two or more Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Unnecessary to describe Owners or Occupiers by Name in certain Cases. N.R. & D.P. Act, 1848, s. 19.

L. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Penalty for obstructing Execution of Acts. N.R. & D.P. Act, 1848, s. 16.

LI. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the local Authority, or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, and whosoever wilfully violates any Direction or Regulation issued by the General Board of Health or Commissioners of Health respectively as aforesaid, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*.

Penalty on Occupier obstructing Owner. N.R. & D.P. Act, 1848, s. 16.

LII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Justices

Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the Service of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal.

Recovery of Penalties and Expenses. N.R. & D.P. Act, 1848, s. 17. 11 & 12 Vict. c. 43.

LIII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in England according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three, and in Ireland according to the Provisions of the Act of the Fourteenth and Fifteenth Years of the present Reign, Chapter Ninety-three; and all Penalties recovered by the local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Expense of Execution of Act.

LIV. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of—

The Borough Rate, where the local Authority is a Town Council;

Out of General District Rates, where the local Authority is a Local Board of Health;

Out of the Rates levied for Purposes of Improvement under any Local Improvement Act, where the local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the local Authority is a Highway Board, or a Nuisances Removal Committee;

And if there be no such Rates or Funds, or if the local Authority be a Board of Guardians or Parochial Board, then out of the Rates or Funds applicable to the Relief of the Poor;

And when the local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the local Authority, on the Order of Two Justices, directed to such Officer or Person, and on Neglect or Refusal to pay the Sum specified in such Order for *Six* Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale.

LV. Justices

Justices being Members of local Authority may act. N. R. & D. P. Act, 1849, s. 5.

LV. Justices of the Peace may in all Cases, notwithstanding their forming Part of the local Authority, exercise, in Petty Sessions or alone, the Jurisdiction vested in them as Justices of the Peace under this Act.

Proceedings not quashed for Want of Form. N. R. & D. P. Act, 1848, s. 20.

LVI. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, or be removed or removable by Certiorari, or in Scotland by Suspension or Advocation, or by any other Writ or Process whatsoever, into any of the Superior Courts.

Appeal to Quarter Sessions. (Public Health Act, s. 133.)

LVII. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within *Seven* Days after the making of the Order appealed against he give to the local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within *Two* Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court, or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Forms.

LVIII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Protection of local Authority and Officers in Cases of

LIX. The local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act, shall be entitled to such Protection and Privilege in Actions and

Action, &c. against them.

Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

Police Constables to aid in executing Act.

LX. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance.

LXI. Nothing in this Act shall be construed to impair any Power of abating Nuisances at Common Law.

Short Title.

LXII. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act for England, 1855."

SCHE-

SCHEDULE OF FORMS.

Form (A.)

Order of Justices for Admission of Officer by local Authority to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal and Diseases Prevention Act, 1855, viz., [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof having first been duly made under the said Act, and refused:

Now therefore, I the said *A.B.* do hereby require you to admit the said [*name the local Authority*], [or the Officer of the said (*local Authority*)], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the Town Council of the [Borough *or* City] of [*or* To the Local Board of Health of the District of *or* To the Commissioners for improving the Town [*or other Place*] of *or* To the Board for Repair of Highways in the Parish [*or other Place*] of *or* To the Nuisances Removal Committee of the Parish of *or* To the Guardians [*or* the Overseers, *&c.*] of the Poor of the Union *or* of the Parish of in the County of [*as the Case may be*].

We [*or* I], the Person aggrieved by the Nuisance herein-after described [*or* the undersigned and described Inhabitant Householders, Sanitary Inspector *or other Officer* (*describing him*)], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*] and Premises situate at No. in

Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under the Nuisances Removal and Diseases Prevention Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House or Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or, for further instance*, there is a foul or offensive Ditch, *or* Drain, *or* such an Accumulation of , *&c.*, *or* Swine] so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Dated this Day of in the Year One thousand eight hundred and

[*Signed by Complainant*].

or,

or, A.B., Inspector of Nuisances of the above District [*or* Parish]

or, A.B., Officer of Health *or* Medical [*or* Relieving] Officer of the Parish of [*or* of the Union in which the Parish of is comprised].

or,

A.B., District Constable of the Police Force of the County [*or other District*] in which the above Parish of is comprised.]

[*In Ireland, to the Town Council, or the Guardians of the Poor of the Union, as the Case may be.*

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

WE, the undersigned, being Two legally qualified Medical Practitioners [*or* I, the undersigned, being Officer of Health of the District of , *or* Medical Officer of the under-mentioned Parish of *or* of the Union in which the under-mentioned Parish of is comprised], do hereby certify to you, That to the best of our [*or* my] Knowledge and Belief there exists in or upon the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District,

District, under the Nuisances Removal and Diseases Prevention Act, 1855, the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act [*as the Case may be*].

Dated this Day of One thousand eight hundred and

A.B.
C.D.

(*In Ireland* [*See the last Form*].)

FORM (D.)

Notice to Owner or Occupier, of Entry for Examination.

To the Owner [*or* Occupier, *as the Case may be,*] of the [Dwelling House, *&c.*] and Premises situate at No. in Street [*insert a Description sufficient to identify the Premises*].

TAKE notice, That under the Nuisances Removal and Diseases Prevention Act, 1855, the [*local Authority, naming it,*] in whose District under the said Act the above Premises are situate, have received a Notice from [*as the Case may be*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of One thousand eight hundred and

A.B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal and Diseases Prevention Act, 1855.

FORM (E.)

Summons.

To the Owner *or* Occupier of a Dwelling House *or* Building [*or* of certain Premises situate at [*insert such a Description as may be sufficient to identify the Premises*], *or* to *A.B.* of .]

County of [*or* Borough of *&c. or* ( ) Metropolitan Police District, *or as the Case may be*] to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority, as the Case may be*], that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal and Diseases Prevention Act, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused or permitted by the Occupier [*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say,* there existed recently, to wit, on or about the Day of [*the Day of the Notice or Certificate*], on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction*] stated in the Margin, *or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of Day of One thousand eight hundred and .

FORM (F.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [*or* Occupier] of the Dwelling House [*or* Building *or* Premises] situate at No. in Street in the Parish of in the County of [*or such other Description as may be sufficient to identify the Premises*], *or* to *A.B.* of or to [*giving Name of the local Authority*], or to their Servants or Agents, and to all whom it may concern.

County of / [*or* Borough, *&c.* of / *or* / Metropolitan Police District of / *or as the Case may be.*]

WHEREAS on the Day of Complaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [*or other Jurisdiction*] stated in the Margin, [*or* before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be,*] by [*or* by on behalf of] [*the local Authority, naming it, as the Case may be*], that in or upon certain [Dwelling House, Yard, *&c.*] and Premises situate at No. in Street, in the District under the Nuisances Removal and Diseases Prevention Act, 1855, of the Complainants above named, the following Nuisance then existed [*describing it*]; and that the said Nuisance was caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* was caused by *A.B.*] (*If the Nuisance have been removed say,* the following Nuisance existed on or about [*the Day of the Notice or Certificate describing the Nuisance*], and that the said Nuisance was caused, *&c.*, and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)

And whereas the Owner [*or* Occupier] within the Meaning of the said Nuisances Removal and Diseases Prevention Act, 1855, [*or* the said *A.B.*,] having this Day appeared before us, the said Justices [*or* before me, the said Magistrate of the Police Courts of the Metropolis, *or, as the Case may be*], to answer the Matter of the said Complaint [*Or in case the Party charged do not appear, say,* And whereas it hath been this Day proved to our [*or* my] Satisfaction that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Premises [*or* the said *A.B.*] to appear this Day before us [*or* me] hath been duly served according to the said Act:

Now upon Proof here had before us [*or* me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* by the said *A.B.*], we [*or* I], in pursuance of the

said Act, do order the said Owner [*or* Occupier, *or A.B.*] within from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance*, to cleanse, whitewash, purify, and disinfect the said Dwelling House; *or, for further instance*, to construct a Privy or Drain, *&c.*; *or, for further instance*, to cleanse or to cover or to fill up the said Cesspool, *&c.*], so that the same shall no longer be injurious to Health or a Nuisance as aforesaid.

And if it appear to the Justices that the Nuisance is likely to recur on the Premises say, [And we] [*or* I] being satisfied that, notwithstanding the said Cause or Causes of Nuisance may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [*or* Occupier, *or A.B.*,] from [*here insert the Matter of the Prohibition, as, for instance*, from using the said House or Building for Human Habitation until the same, in the Judgment of the [*local Authority*], is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [*or* if the above Order of Prohibition be infringed,] then we [*or* I] do authorize and require you, the said [*local Authority, naming it*], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit [*the Day of the Certificate or Notice*] as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit, *&c.* [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace for [*or* the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], this Day of One thousand eight hundred and .

FORM

FORM (G.)

Order of Justices for Removal of Nuisance by local Authority.

To the Town Council, *&c., as the Case may be.*

County, *&c.* to wit. } WHEREAS [*recite Complaint of Nuisance, as in last Form*].

And whereas it hath been now proved to our [*or* my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known *or* can be found [*as the Case may be*]: Now we [*or* I], in pursuance of the said Act, do order the said [*local Authority, naming it,*] forthwith, and without any Notice of Entry by them to be given, which Notice is hereby dispensed with, to [*here specify the Works to be done*].

Given, *&c.*

FORM (H.)

Notice to Owner or Occupier previous to Removal of Nuisance by the local Authority.

To the Owner [*or* Occupier, *as the Case may be,*] of the Premises situate at [*insert sufficient Description to identify the Premises as in the Order*].

WHEREAS by the Order of [Justices] dated the Day of issued under the Provisions of the Nuisances Removal and Diseases Prevention Act, 1855, on the Complaint of there being [*insert the Cause or Complaint as set forth in the Order*], you are [*insert Directions to the Occupier or Party complained of for Abatement or Prohibition of Nuisance*]: Now take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority, naming it,*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the said Direction of the said Order be found not to have been complied with, or the Grounds of Complaint are still existing, they will proceed as the Law requires to recover the Penalty for not complying with or infringing the said Order, and will proceed to remove the Cause or Causes of Nuisance, and execute the Works necessary in that Behalf, at your Cost.

Dated this Day of One thousand eight hundred and .

A. B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal and Diseases Prevention Act, 1855.

FORM (I.)

Order to permit Execution of Works by Owners.

County of [*or* Borough of *or* Metropolitan Police District, *or as the Case may be*,] to wit.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*, *or* One of Her Majesty's Justices of the Peace, *as the Case may be*, of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal and Diseases Prevention Act, 1855," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D* doth prevent the said *A.B.* from [*here describe the Works generally according to the Circumstances; for instance, thus,*] cleansing *or* whitewashing *or* purifying the said Dwelling House [*or* Building], *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain, [Ditch, Gutter, Privy, Urinal, Cesspool, *or* Ashpit]: And whereas the said *C.D.* has been summoned to answer the said Complaint, and has not shown sufficient Cause against the same, and it appears to me that the said Works are necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E.F. (L.S.)

FORM

FORM (J.)

Return to be annually made by the Highway Surveyors, or other Authority having the Duty of repairing, cleansing, or paving the Highways in any Parish.

Parish [*or otherwise*] of in the County of

[*Specimen of Mode of filling up this Return.*]

1. The Length of the open Ditches and Watercourses in the said Parish or Place along which either Waters of Rainfall or Drainage from Houses are carried.

1. Fourteen Miles.

2. The Length of covered common Drains in the said Parish or Place.

2. Two Miles and Three hundred Yards.

3. The Length of open Ditches and Watercourses which have, during the past Year, been scoured and cleansed under Section 67. of the Highway Act, and Section [21 (A.)] of this Act; distinguishing the Lengths more than once so scoured and cleansed, and stating how often in each latter Case.

3. Ten Miles and a Half; Two Miles of this Four Times; Three other Miles of it twice.

4. The Length of covered common Drains repaired during the last Year.

4. Five hundred Yards.

5. The Length of Ditches, Drains, Gutters, or Watercourses, covered or otherwise, during the past Year, under Section [ ] of this Act; distinguishing the Length covered, and that improved by other artificial Structure.

5. One Mile and Nine hundred Yards; of which Five hundred and sixty Yards have been made into a covered Sewer, Two Feet Six Inches by One Foot Three Inches; the Remainder has been straightened, levelled, and laid with a Brick Invert, having a Radius of One Foot Six Inches.

6. The Amount expended during the last Year in scouring and clearing such Ditches and Watercourses.

6. 137*l.*

7. The Amount expended during the last Year in laying and making covered or other artificial Structure in or instead of any former Ditches or Watercourses under Section [21 (B.)] of this Act.

7. 275*l.* the covered Sewer; 315*l.* the Invert; all done by Contract.

8. The Number of Houses in the said Parish or Place.

8. Five hundred and seventy-three.

9. The Number of Houses draining into any open Ditch or Watercourse.

9. Two hundred and twenty-three, as nearly as can be ascertained.

10. The Number of Houses draining into any covered Drain, either made under Section [21 (B.)] of this Act, or otherwise existing, distinguishing the same.

10. Three hundred and forty-one; of which One hundred and thirteen drain into covered Drains formerly existing, Two hundred and twenty-eight into Drains made under the said Section.

11. The Sum received during the last Year from or in respect of any (stating how many) Houses, using Drains, or otherwise made under Section [21 (B.)] of this Act, distinguishing such Part thereof as has been paid as an annual Charge from such Part as has been paid in immediate Discharge of Proportion of the Cost.

11. 111*l.* in the whole in respect of Two hundred and twenty-three Houses; of which 67*l.* has been paid in immediate Discharge of Proportion of the Cost for Fifty-three Houses; leaving 44*l.* received for annual Payments made in respect of a Charge on the Occupation of One hundred and seventy Houses using such Drains and other Works.

Dated this 25th Day of March 1856.

[*To be signed by the Surveyors of Highways, or the Clerk to the Board or otherwise, where such exists.*]

Form (K.)

Return of Proceedings under Nuisances Removal and Diseases Prevention Act, 1855, *by the* [name the local Authority at length].

From 25*th March* 1855 *to* 25*th March* 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks :—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, without Justices Order.	Several Houses being in a like Position, the Highway Surveyor laid down a Sewer in the old Watercourse, and each House was charged a proportionate Sum for the same, of which the highest Sum was 10*s*.
18 April -	Two Neighbours	Offensive Cesspool.	Abated by local Authority.	Renewed once ; but Penalty recovered, and not since attempted.

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the local Authority.*]

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment.

A

BILL

To consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

(Prepared and brought in by Sir Benjamin Hall, Viscount Palmerston, and Sir William Molesworth.)

Ordered, by The House of Commons, *to be Printed*, 23 *January* 1855.

[Bill 13.]

Under 5 oz.

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Bill.

[AS AMENDED BY THE COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble refers to 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111., Nuisances Removal and Diseases Prevention Acts, and

Section 1. repeals those Acts, saving Proceedings in progress, Orders issued, &c.

Sect. 2. Interpretation of Act.

PART I.—*Constitution of local Authority, Expenses of executing the Act, Description of Nuisances, and Powers of Entry.*

Sect. 3. Local Authorities to execute Act.

Sect. 4. Election of Nuisances Removal Committee.

Sect. 5. Chairman to decide Questions arising as to Elections, &c.

Sect. 6. Committee to produce Accounts.

Sect. 7. Provisions for Election of new Members.

Sect. 8. Filling up Vacancies.

Sect. 9. Committee of local Authority to be appointed.

Sect. 10. Execution of Act in Extra-parochial Places.

Sect. 11. Expenses of executing the Act.

Sect. 12. Description of Nuisances to be abated.

Sect. 13. Inspector of Nuisances to be appointed.

Sect. 14. Powers of Entry for local Authority or their Officers.

PART II.—*Removal of Nuisances.*

Sect. 15. Notices of Nuisances to ground Proceedings of local Authority.

Sect. 16. Proceedings of local Authority before Justices.

Sect. 17. Order of Justices for Abatement and Prohibition.

Sect. 18. Consequences of Disobedience to Order.

Sect. 19. Appeal against Order of Prohibition.

Sect. 20. Appeal against Order of Abatement when structural Works are required.

Sect. 21. Where Person committing Nuisance cannot be found, local Authority to execute Order at once.

Sect. 22. Matter causing Nuisance to be sold.
Sect. 23. Expenses of Works charged to Person on whom Order made, or on Premises, and recoverable in County Court or before Justices.
Sect. 24. Proceedings before Justices to recover Expenses and Penalties.
Sect. 25. Proviso as to Proceedings against Owner or Occupier.
Sect. 26. Surveyors of Roads to cleanse Ditches, &c.
Sect. 27. Covering, &c. of open Ditches serving for Sewerage of both Roads and Houses.
Sect. 28. Return to be made as to Drainage Works.
Sect. 29. Notice to be given to General Board of Health of opening certain Hospitals.
Sect. 30. Penalty on Sale of unwholesome Meat, &c.
Sect. 31. Justices may order Nuisances from offensive Trades or Processes to be abated.
Sect. 32. Penalty for Disobedience of Orders of Justices.
Sect. 33. Local Authority to order Costs of Prosecutions to be paid out of the Rates.
Sect. 34. Penalties on local Authority for Neglect of Duty under this Act.
Sect. 35. Local Authority to furnish Returns.

PART III.—*Procedure.*

Sect. 36. Service of Notices, Summonses, and Orders.
Sect. 37. Proof of Resolutions of local Authority.
Sect. 38. One or more joint Owners or Occupiers may be proceeded against alone.
Sect. 39. Unnecessary to describe Owners or Occupiers by Name in certain Cases.
Sect. 40. Penalty for obstructing Execution of Act.
Sect. 41. Penalty on Occupier obstructing Owner.
Sect. 42. Recovery of Penalties and Expenses.
Sect. 43. Justices forming Part of local Authority may act.
Sect. 44. Proceedings not to be quashed for Want of Form.
Sect. 45. Appeal to Quarter Sessions.
Sect. 46. Forms.
Sect. 47. Protection of local Authority and Officers executing Act.
Sect. 48. Constables to aid in executing Act.

Sect. 49. Saving Common Law of Statutory Jurisdiction as to Nuisances.

Sect. 50. Short Title.

[The Initials N.R. and D.P. in the Margin of some of the Sections refer to the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.]

SCHEDULES.

List of Forms.

Form (A.) Order of Justices for Admission of Officer of Local Board to inspect private Premises.

„ (B.) Notice of Nuisance.

„ (C.) Certificate of Nuisance.

„ (D.) Notice to Owner or Occupier of Entry for Examination.

„ (E.) Summons.

„ (F.) Order of Justices for Removal of Nuisances by Owner, &c.

„ (G.) Order of Justices for Removal of Nuisances by local Authority.

„ (H.) Notice to Owner or Occupier previous to Removal of Nuisances by local Authority.

„ (I.) Order to permit Execution of Works by Owners.

„ (J.) Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 24.

„ (K.) Order for Payment of Costs, Expenses, and Penalties. Sec. 24.

„ (L.) Warrant of Distress. Sec. 24.

„ (M.) Return to be made annually by the Highway Surveyors or other Authority having the Duty of repairing, cleansing, or paving the Highways in any Parish.

„ (N.) Return of Proceedings under Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Act.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

TO

Consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to England and Ireland, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed for England. Saving Proceedings in progress.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to England: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for England, and all Directions and Regulations issued, and all Appointments of Officers and Persons made and all Contracts or Works undertaken by virtue of the said Acts,

shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of Words.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Words "Guardians of the Poor" include the Guardians, Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Union, Parish, or Place where the Matter or any Part of the Matter requiring the Cognizance of any such Officer arises; the Word "Borough" and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" shall mean any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" shall extend to all Messuages, Lands, Tenements, or Places, whether open or inclosed, whether built on or not, and whether public or private; the Word "Parish" shall include every Place separately maintaining its Poor; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Corporations, whether aggregate or sole.

PART I.

Constitution of local Authority, Expenses, Description of Nuisances, and Powers of Entry.

And with respect to the Constitution of the local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

Local Authority to execute Act.

III. The following Bodies shall respectively be the local Authority to execute this Enactment in the Districts hereunder stated in England:

In any Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council:

In

In any other Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other Place, in which there is no Council or Local Board of Health, and where there are or shall be Trustees or Commissioners, under an Improvement Act, such Trustees or Commissioners:

In any other Place within which there is no such Council, Local Board of Health, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board:

In any Place where there is no such Town Council, Local Board of Health, Body of Trustees, or Commissioners, nor Highway Board, any Committee specially elected as herein-after provided for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be ex officio a Member or Members; and such Committee may consist of such Number of Members as the Vestry shall determine, not beings more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum:

In any Place in which there is no such Town Council, Local Board of Health, Body of Trustees, or Commissioners having Highway Board, nor Committee appointed as aforesaid, the Board of Guardians of the Poor of the Union in which such Parish is comprised, or if the same be not comprised in a Union, the Guardians of the Poor of such Parish.

Election of Nuisances Removal Committee. (Founded on Election Provisions of General Watching and Lighting Act.)

IV. The said Nuisances Removal Committee shall be elected as follows:

Any Person resident in the Parish or Part of the Parish for which the Committee is to be elected, and rated to the Relief of the Poor on an annual Value of not less than Fifteen Pounds, may be proposed and seconded as a Member of such Committee, at a duly summoned Vestry Meeting, by any Person qualified to vote thereat; and if more Candidates be proposed than the Number to be elected, a Poll may be demanded; and the Chairman shall open and proceed with such Poll on a Day to be fixed by him, not more than Two clear Days from the Day of such Meeting, and shall cause to be entered in a Book prepared for the Purpose the Names of such Candidates and the Votes of all duly qualified Voters voting for the same, with their Descriptions and Abodes; and if the Votes of all duly qualified Voters desirous to vote cannot be conveniently collected and registered by

Four o'Clock of the Day on which the Poll commenced, then the Chairman shall at that Hour adjourn the Poll to the following Day, and shall then proceed to collect and register the Votes of all Persons duly qualified and applying to vote: Provided, nevertheless, that the Poll shall formally close at Four o'Clock on the Day to which it shall have been adjourned, or sooner, provided all Persons duly qualified and desirous to vote shall have voted, or after the Lapse of an Hour without any Person offering to vote; and as soon after the Close of the Poll as may be possible, the Result thereof shall be declared at the Place where the Election has been held, and certified by the Chairman to the Overseer of the Poor, the Highway Surveyors, the Clerk to the Guardians, and the General Board of Health; and the Voting Book shall be deposited in the Hands of the Vestry Clerk, and shall be open to the Inspection of the Ratepayers for One Month after the Date of such Election; and all reasonable Costs and Charges incurred in and about such Election shall be repaid out of the Rates or Funds administered by the said Committee under this Act.

Chairman to decide Questions arising as to Elections, &c. (General Watching and Lighting Act.)

V. The Chairman of such Meeting shall decide on all Questions which may arise as to the Eligibility or Qualification of Candidates or Voters, and as to all Matters connected with the said Election.

Committee to produce Accounts. (General Watching and Lighting Act.)

VI. Such Committee shall within One Month next after the Expiration of One Year from the Time of their Election give Notice to the Churchwardens that they are ready to produce their Accounts and Vouchers for the previous Year, and thereupon the Churchwardens shall give due Notice of a Vestry Meeting for the Production of such Accounts and Vouchers of all Monies received and paid by virtue of this Act for the preceding Year, and for the Election of new Members.

Provisions for Election of new Members.

One Third of Committee to go out annually.

VII. At such Meeting the Committee shall produce their Accounts and Vouchers as aforesaid, and a Copy of such Accounts shall be kept for the Inspection at all reasonable Times of all Parties interested; and One Third of the Committee, or as near One Third as the Number elected will admit of, shall go out of Office at every such Meeting in Rotation, the Order of Retirement to be fixed as the Committee shall determine, and a like Number shall be elected in their Place as provided in the preceding Sections: Provided always, that any Member going out may be re-elected.

VIII. On

Filling up Vacancies. (General Watching and Lighting Act.)

VIII. On any Vacancy arising from Death, Disqualification, by Change of Residence or otherwise, Notice shall be immediately given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election in the Manner directed by the preceding Sections; and until such Vacancy is filled up the remaining Members of the Committee may act in all respects as if their Number was complete.

Committee may be appointed.

IX. The local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Enactment, whereof Two to be a Quorum; and such local Authority, or their Committee, may, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

Execution of Act in Extra-parochial Places.

X. In Extra-parochial Places not comprised within the Jurisdiction of a local Authority under this Act, the local Authority of the adjacent Place having the largest common Boundary with the Extra-parochial Place shall put this Act in execution; and all Expenses incurred under this Act, and which in case of a Parish would be chargeable to the Parish, shall, in case of any such Extra-parochial Place, upon an Order in Writing specifying the Sum to be paid, under the Hands and Seals of Two Justices, be paid or defrayed out of any public Rates or Funds lawfully raised in or applicable to such Extra-parochial Place, or if there be no such Rates or Funds, then out of the Rates or Funds applicable to the Purposes of this Act in the Place in and for which the local Authority by whom the Expenses have been incurred act.

Expense of Execution of Act.

XI. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed as follows, to wit:

Out of the Borough Fund or Borough Rate, where the local Authority is the Mayor, Aldermen, and Burgesses, by the Council;

Out of General District Rates, where the local Authority is a Local Board of Health;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the local Authority is a Highway Board, or a Nuisances Removal Committee;

And if there be no such Rates or Funds, or if the local Authority be a Board of Guardians, then out of the Rates or Funds applicable to the Relief of the Poor;

And when the local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the local Authority, on the Order of Two Justices, directed to such Officer or Person, and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale.

Description of Nuisances abateable.

XII. The Word "Nuisances" under this Act shall include—

Any filthy, unwholesome, or dilapidated Premises:

Any foul or offensive Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit:

Any Animal so kept as to be injurious to Health:

Any decaying or offensive Accumulation or Deposit.

Local Authority to appoint sanitary Inspector.

Remuneration.

XIII. The local Authority shall, for the Purposes of this Act, appoint or employ an Inspector or Inspectors of Nuisances, and shall make Byelaws for regulating the Duties of such Officer or Officers, and may appoint a convenient Place for his or their Office, and shall allow to every Person on account of his Employment a proper Salary or Allowance; and where the local Authority is a Board of Guardians, if an Inspector be appointed for the Union his Salary or Allowance shall be paid out of the Common Fund, and if he be appointed for several Parishes constituting Parts only of the Union the said Guardians shall settle the Proportions in which the Parishes concerned shall make up such Salary or Allowance, and if he be appointed for a single Parish his Salary or Allowance shall be charged to such Parish; subject nevertheless, in regard to such Salary or Allowance, and the proportionate Contributions of Parishes thereto, and the Qualification, Continuance in Office, Duties, and Accountability of the Officer, when he is appointed by Guardians elected under the Provisions of the Act of the Fourth and Fifth Year of the Reign of King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," to the Control of the Commissioners for administering the Laws for the Relief of the Poor in England.

When Officer is appointed by Guardians under Poor Law Amendment Act.

XIV. The

XIV. The local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:— Power of Entry to local Authority or their Officer.

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may and shall, on Oath made before him of Belief in the Existence of the Nuisance, by Order under his Hand, require the Person having the Custody of the Premises to admit the local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the local Authority or their Officers to enter the Premises.

2. To examine Premises where Nuisances exist, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, Notice or Certificate has been given of the Existence of a Nuisance, or when an Order of Abatement or Prohibition under this Act has been made, the local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, giving to the Person in Custody of the Premises, or if no such Person can be discovered, affixing to a conspicuous Part of the Premises (except in Cases of Emergency or continuing Works) Twenty-four Hours Notice in Writing, signed by the Officer of the local Authority empowered under this Act to make Complaints or take Proceedings.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices.

For this Purpose the local Authority or their Officer may from Time to Time enter at all reasonable Hours without Notice.

4. To execute the Regulations and Directions of the General Board of Health issued under Authority of an Order in Council, as herein-after provided.

For this Purpose the local Authority, or the Officers or Persons by them authorized to do so, may at reasonable Times in the Daytime enter and inspect any Premises where they have Ground for believing that any Person has recently died of any Epidemic, Endemic, or contagious Disease, or that Necessity may otherwise

exist for executing in relation to the Premises any of the Directions and Regulations of the General Board of Health issued under this Act.

PART II.

With regard to the Removal of Nuisances, be it enacted thus:

Notices of Nuisances to ground Proceedings of local Authority;

XV. Notice of Nuisance may be given to the local Authority by any Person aggrieved thereby, or by any of the following Persons: Two or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer or Inspector of the Poor of the Union or Parish; any Constable or Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses; and the local Authority may take cognizance of any such Nuisance, on the Information of their Inspector of Nuisances, after Entry made as herein-before provided, or without Entry or Examination, upon a Certificate thereof in Writing signed by the Medical Officer of the Union or Parish, by any Officer of Health appointed under the Provisions of the Public Health Act or any Improvement Act, or by Two legally qualified Medical Practitioners.

or Medical Certificate.

Proceedings by local Authority before Justices in the Case of Nuisances, recurrent or otherwise.

Complaint:

Summons:

Hearing.

XVI. In any Case where a Nuisance is so ascertained by or certified to the local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice or Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, who shall proceed to inquire into the said Complaint, and who in so doing may examine the Party complained against; and if it be proved to their Satisfaction that the Nuisance exists, or, if removed or discontinued since the Notice or Certificate was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned; and also for the Payment of all Costs incurred up to the Time of making such Order.

XVII. By

Justices Order for Abatement.

XVII. By their Order the Justices may require such Person to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, or amend the Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to remove the Animal, or to carry away the Accumulation of offensive Matter, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Justices unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the local Authority, and on being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Prohibitive Order against future Nuisance.

Penalty for Contravention of Order of Abatement; and of Prohibition.

XVIII. Any Person not obeying the said Order for Abatement the Person on whom it is made shall be liable for every such Offence to a Penalty of not more than Ten Shillings per Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such contrary Action; and the local Authority may, under the Powers of Entry given by the Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order.

Local Authority may enter and remove or abate Nuisance.

Appeal against Order of Prohibition.

XIX. Any such Order of Prohibition may be appealed against as herein-after provided in this Act.

Appeal against Order of Abatement when structural Works are required of a Cost above 15*l*

XX. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works, and they may, before making their

their Order for Abatement, require the local Authority, within a Time to be specified by the Justices, to furnish them an Estimate of the Cost of the required Works; and in case the Cost of such Works will in the Judgment of the Justices exceed the Sum of Fifteen Pounds, they shall notify the same in the Order; and until after the Determination of such Appeal, unless such Appeal cease to be prosecuted, if within Seven Days from the Date thereof the Person on whom it is made shall have given Notice to the local Authority of his Intention to appeal against such Order as provided, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order: Provided always, that there shall be no Appeal under this Section from the Decision of a Police Magistrate, unless the Cost of the Works to be done shall exceed the Sum of Fifteen Pounds.

If Person causing Nuisance cannot be found, local Authority to execute Order at once.

XXI. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to the local Authority, and the Works thereby directed may thereupon, without Notice of Entry, be executed by such local Authority.

Manure, &c. to be sold.

XXII. Any Animal, Matter, or Thing removed by the local Authority in pursuance of this Enactment may be sold, and the Proceeds retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Animal, Matter, or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XXIII. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice or Certificate, or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or, if the Order be made on the local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made, or the Notice or Certificate given, then on the Person by whose Act, Default, Permission, or Sufferance the Nuisance was caused; and in case of Nuisances caused by the Act in Default, Permission, or Sufferance of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged; and such Costs and

Expenses

Expenses and Penalties, together with the Charges of suing for the same, may be recovered from the Owner or Occupier of such Premises, or from the Person causing the Nuisance, respectively, in any County or Superior Court, or, if the local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act, Default, Permission, or Sufferance the Nuisances arises, in such Manner as they shall consider reasonable.

Proceedings before Justices to recover Expenses.

XXIV. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act aforesaid, any Justice of the Peace, upon the Application of the local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within *Seven* Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale; and if no Distress sufficient to satisfy the same can be found within the Jurisdiction of the Justices granting such Warrant, and it so appear upon Oath before Two Justices of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, such last-mentioned Justices shall endorse the said Warrant with their Signature, and the Expense of such Endorsement and Levy thereunder, and thereupon the Amount to be levied, or so much thereof as remains unsatisfied, shall, together with the Costs of endorsing the said Warrant and Levy thereunder, be levied on the last-mentioned Goods and Chattels.

Proviso as to Proceedings against Owner or Occupier.

XXV. Provided always, That when such Order as last aforesaid is made on an Owner, any Costs, Expenses, or Penalties incurred in respect thereof shall be payable by the Occupier of the Premises to which the Order relates, and he shall be liable in respect thereof to such Distress and Sale as aforesaid, but not to any greater Amount than the Rent actually due from Time to Time; and any Sum so paid by such Occupier shall be deducted by him from the Rent due, or from Time to Time becoming due, and the Receipt for the

Amount so paid shall to that Extent be as against the Owner in default a sufficient Discharge for Rent, and such Parties shall have Power to inquire into and determine what Rent is due.

Surveyor of Highways to cleanse Ditches, &c.

XXVI. All Surveyors, or District or Assistant Surveyors, Trustees or Surveyors of Highways or Turnpike Roads respectively, shall scour, cleanse, and keep open, as far as may be practicable, all Ditches, Gutters, Drains, or Watercourses in and through any Lands or Grounds adjoining or lying near to any such Highway or Turnpike Road, and shall sell any Matter or Thing removed, and shall apply the Proceeds arising therefrom towards the Repair of the Highways within the Parish or Place in which such Removal shall have taken place, or towards the Repair of the Turnpike which such Ditch, Gutter, Drain, or Watercourse adjoins or lies near; and this Provision shall be deemed to be Part of the Laws respectively relating to Highways and Turnpikes in England.

Open Ditches, &c. to be covered or improved.

XXVII. Whenever any such Ditch, Gutter, Drain, or Watercourse as aforesaid shall be used, or partly used, for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises, and cannot, in the Opinion of the local Authority, or of the Surveyors of Highways in case there be no local Authority other than the Board of Guardians, be kept free from Foulness without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority, or the Surveyors of Highways in the Case aforesaid, shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act for consoli- "dating and amending the Laws relating to Highways in England;" and such local Authority, or the Surveyor of Highways in the Case aforesaid, are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate, or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after *Fourteen* Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being

being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in England.

Return to be made as to Drainage Works.

XXVIII. The local Authority, or the Surveyors of Highways where there shall be no other Authority than the Board of Guardians, shall, on or before the Twenty-fifth Day of March in each Year, make to Her Majesty's Principal Secretary of State for the Home Department a Return in the Form M. in the Schedule hereunto annexed, such Return having previously to its Transmission to the said Secretary been laid before and approved by a Vestry Meeting of the Parish or Place for which it is made, duly summoned, and which is hereby required to be summoned by the said Surveyors for receiving and considering the same; provided, that in the Cases where such Return is made by any Council, Local Board of Health, Body of Trustees, or Commissioners, or any Highway Board, it shall not be necessary to lay the same before a Vestry Meeting, but the same may, instead thereof, be and is hereby required to be printed and circulated in the Parish or Place to which it relates Fourteen Days at the least before the Day on which the same Return is made.

Notice to be given to General Board of Health of Intention to build Hospitals. N. R. & D. P. Act, 1848, s. 8.

XXIX. Whenever it is intended to build or open any Hospital wholly or in part for the Reception of Patients afflicted with contagious or infectious Diseases or Disorders, the Trustees or other Persons by whose Authority such Hospital is intended so to be built or opened as aforesaid shall give Notice of such Intention to the General Board of Health, or (in Ireland) to the Commissioners of Health; and no such Hospital shall be built or opened as aforesaid until the said General Board of Health or Commissioners of Health, as the Case may be, have approved thereof in Writing; but nothing herein contained shall apply to the building or opening of any Addition to a Building which shall have been used as a Hospital previously to such Addition.

Penalty on Sale of unwholesome Meat, &c.

XXX. The Inspector of Nuisances may, at all reasonable Times, inspect and examine any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Animal,

Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit or Vegetables is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Justices may order Nuisances from offensive Trades or Processes to be abated. (Towns Improvement Clauses Act.)

XXXI. If any Candle-house, Melting-house, Melting-place, or Soaphouse, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing offensive Effluvia, be at any Time certified to the local Authority by any Officer of Health or Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance, and injurious to the Health of the Inhabitants, the local Authority shall direct Complaint to be made before Two Justices; and any Justice may summon before any Two Justices the Person by or on whose Behalf the Work complained of is carried on, and such Justices shall inquire into such Complaint, and they may, by an Order in Writing under their Hands, order such Person to discontinue or remedy the Nuisance within such Time as to them shall appear expedient: Provided always, that if it appears to such Justices that, in carrying on any Business complained of, the best Means then known to be available for mitigating the Nuisance or the injurious Effects of such Business have not been adopted, they may suspend their final Determination, upon Condition that the Person so complained against shall undertake to adopt within a reasonable Time such Means as the said Justices shall judge to be practicable and order to be carried into effect for mitigating or preventing the injurious Effects of such Business.

Penalty for Disobedience of Orders of Justices. (T.I.C. Act.)

XXXII. If any such Nuisance or the Cause of any such injurious Effects as aforesaid be not discontinued or remedied within such Time as shall be ordered by the said Justices, the Person by or on whose Behalf the Business causing such Nuisance is carried on shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Nuisance shall be unremedied after the Expiration of such Time as aforesaid: Provided always, that when any Person who thinks himself aggrieved by any such Order shall appeal against any such Order, as by this Act provided, such Person shall not be liable to discontinue or remedy the Nuisance or Cause of the injurious

injurious Effects mentioned therein, or to pay any Penalty, until after the Expiration of Five Days after the Determination of such Appeal and the Confirmation of such Order, unless such Appeal cease to be prosecuted.

Local Authority to order Costs of Prosecutions to be paid out of the Rates. (T.I.C. Act.)

XXXIII. The local Authority may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Area of their Jurisdiction, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Rates or Funds administered by them under this Act.

Penalties on local Authority for Neglect of Duty under this Act.

XXXIV. In every Case where Notice of Nuisance has been given to the local Authority in conformity with this Act, and such local Authority has not within Fourteen Days after the Receipt of such Notice taken the Steps required by this Act, and the Nuisance still remains, on Information thereof, on the Oath of One credible Witness, given to any Justice of the Peace, it shall be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Inspector of Nuisances, the Officer of the local Authority empowered to make Complaints or take Proceedings under this Act, or any other Officer of the local Authority within whose Cognizance the Matter of Complaint may appear to such Justice to come, to appear before any Two Justices, and the said Justices shall thereon inquire, in such Manner as they may think proper, into the alleged Neglect, and if they are of opinion that it is a Matter in which the local Authorities are bound to proceed under this Act they may make an Order on the local Authority, limiting and appointing a Time for their so proceeding, and in default of their so proceeding within the Time so limited the Persons named in such Order as being in default shall forfeit and pay to some Person to be named and appointed therein a Penalty to be therein stated, not exceeding the Sum of on each Person, which Penalty, when recovered, shall be applied and expended in the Performance of the Duty neglected by the local Authority, according to the Order of the said Justices, and the Surplus, if any, shall be appropriated in aid of the Rate for the Relief of the Poor.

Return of Proceedings.

XXXV. The local Authority shall in each Year make a Report containing an Account of Monies received and expended under this Act, with a Statement of the Steps taken by them in execution of this Act, (which may be in the Form N. in the Schedule to this Act,)

Act,) of the Names of the local Authority, the Names and Addresses of their Officers, and of the Proceedings to be taken for the Removal of Nuisances, and shall cause Copies of such Return to be printed and sent to the General Board of Health, and circulated among the Persons assessed for the Relief of the Poor in their District, and may defray the Cost out of the Rates or Funds applicable in aid of this Act.

PART III.

And with regard to Procedure under this Act, be it enacted, That

Service of Notices, Summonses, and Orders.

XXXVI. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

XXXVII. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners or Occupiers may be proceeded against alone. N. R. & D. P. Act, 1848, s. 18.

XXXVIII. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Unnecessary to describe Owners or Occupiers by Name in certain Cases. N. R. & D. P. Act, 1848, s. 19.

XXXIX. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Penalty for obstructing Execution of Acts.

XL. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the local Authority, or their Officers, or

or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, and whosoever wilfully violates any Direction or Regulation issued by the General Board of Health or Commissioners of Health respectively as aforesaid, shall be liable for every such Offence to a Penalty not exceeding Five Pounds. N. R. & D. P. Act, 1848, s. 16.

XLI. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within Twenty-four Hours, a reasonable Time after the Service of such Order, the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Non-compliance. Penalty on Occupier obstructing Owner. N. R. & D. P. Act, 1848, s. 16.

XLII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in England according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three, and in Ireland according to the Provisions of the Act of the Fourteenth and Fifteenth Years of the present Reign, Chapter Ninety-three; and all Penalties recovered by the local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act. Recovery of Penalties and Expenses. N. R. & D. P. Act, 1848, s. 17. 11 & 12 Vict. c. 43.

XLIII. Justices of the Peace may in all Cases, notwithstanding their forming Part of the local Authority, exercise, in Petty Sessions or alone, the Jurisdiction vested in them as Justices of the Peace under this Act. Justices being Members of local Authority may act. N. R. & D. P. Act, 1849, s. 5.

XLIV. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order (except Orders of Prohibition in this Act before-mentioned), nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, or be removed or removable by Certiorari, or in Scotland by Suspension or Advocation, or by any other Writ or Process whatsoever, into any of the Superior Courts. Proceedings not quashed for Want of Form. N. R. & D. P. Act, 1848, s. 20.

Appeal to Quarter Sessions. (Public Health Act, s. 133.)

XLV. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Seven Days after the making of the Order appealed against he give to the local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court, or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Forms.

XLVI. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Protection of local Authority and Officers in Cases of Action, &c. against them.

XLVII. The local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

Police Constables to aid in executing Act.

XLVIII. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance

XLIX. Nothing in this Act shall be construed to impair any Power of abating Nuisances at Common Law, nor any Jurisdiction in respect of Nuisances that may be possessed by any local Authority under the Act intituled "An Act to abate the Nuisance arising from the "Smoke

"Smoke of Furnaces in the Metropolis, and from Steam Vessels above "London Bridge," or the Common Lodging Houses Act, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Act incorporated with such Acts; and local Authorities may respectively proceed for the Abatement of Nuisances, either under the Acts mentioned in this Section, or any other Act conferring Jurisdiction in respect of Nuisances in this Act referred to, or under this Act, as they may think fit. nor Jurisdiction of local Authority as to Nuisances under this Act.

L. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act for England, 1855." Short Title.

SCHE-

SCHEDULE OF FORMS.

Form (A.)

Order of Justices for Admission of Officer by local Authority to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal Act, 1855, viz., [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Now therefore, I the said *A.B.* do hereby require you to admit the said [*name the local Authority*], [or the Officer of the said (*local Authority*)], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the local Authority (*describing it*).

I [*or* We], the Person aggrieved by the Nuisance herein-after described [*or* the undersigned and described Inhabitant Householders, Sanitary Inspector *or other Officer* (*describing him*)], do hereby give you Notice, That to the best of my [*or* our] Knowledge and Belief there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*] situate at Street [*giving such Description as may be sufficient to identify the Premises*] in the Parish of in your District, under the Nuisances Removal Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, a Dwelling House or Building is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a filthy or such an unwholesome Condition, *or, for further instance*, a foul or offensive Ditch, *or* Drain, *or* an offensive Accumulation of , *&c.*, *or* Swine so kept as to be injurious to Health];

Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act, Default, Permission, or Sufferance the Nuisance is caused, or* by some Person unknown].

Dated this Day of in the Year of our Lord One thousand eight hundred and

[*Signed by Complainant under Section* 15.]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

WE, the undersigned, being Two legally qualified Medical Practitioners [*or* I, the undersigned, being Officer of Health of the District of , *or* Medical Officer of the under-mentioned Parish of *or* of the Union in which the under-mentioned Parish of is comprised], do hereby certify to you, That to the best of our [*or* my] Knowledge and Belief there exists in or upon the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under the Nuisances Removal Act, 1855, the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act [*as the Case may be*].

Dated this Day of in the Year of our Lord One thousand eight hundred and

A.B.
C.D.

FORM (D.)

Notice to Owner or Occupier, of Entry for Examination.

To the Owner [*or* Occupier, *as the Case may be,*] of [*describe the Premises situate at*] [*insert a Description sufficient to identify the Premises*].

TAKE notice, That under the Nuisances Removal Act, 1855, the [*local Authority, naming it,*] in whose District under the said Act the above Premises are situate, have received a Notice from

[*name Complainant*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our Lord One thousand eight hundred and

A.B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal Act, 1855.

FORM (E.)

Summons.

To the Owner *or* Occupier of [*describe Premises*] situate at [*insert such a Description as may be sufficient to identify the Premises*], *or* to *A.B.* of .]

County of [*or* Borough of *&c. or* District, of *or as the Case may be*] to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority, as the Case may be*], that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal Act, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused or permitted by the Occupier [*or*

[*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say*, there existed recently, to wit, on or about the Day of [*the Day of the Notice or Certificate*], on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction*] stated in the Margin, *or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of Day of in the Year of our Lord One thousand eight hundred and .

FORM (F.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [*or* Occupier] of [*describe the Premises*] situate [*give such Description as may be sufficient to identify the Premises*], *or* to *A.B.* of or to [*giving Name of the local Authority*], or to their Servants or Agents, and to all whom it may concern.

County of
[*or* Borough, *&c.* of
or
District of
or as the Case may be.]

WHEREAS on the Day of Complaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [*or other Jurisdiction*] stated in the Margin, [*or* before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*,] by [*or* by on behalf of] [*the local Authority, naming it, as the Case may be*], that in or upon certain Premises situate at in the District under the Nuisances Removal Act, 1855, of the Complainants above named, the following Nuisance then existed [*describing it*]; and that the said Nuisance was caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* was caused by *A.B.*] (*If the Nuisance have been removed say*, the following Nuisance existed on or about [*the Day of the Notice or Certificate describing the Nuisance*], and that the said Nuisance was caused, *&c.*, and although the same is now

removed, the same or the like Nuisance is likely to recur on the same Premises.)

And whereas the Owner [*or* Occupier] within the Meaning of the said Nuisances Removal Act, 1855, [*or* the said *A.B.*,] hath this Day appeared before us, the said Justices [*or* before me, the said Magistrate of the Police Courts of the Metropolis, *or, as the Case may be*], to answer the Matter of the said Complaint [*Or in case the Party charged do not appear, say,* And whereas it hath been this Day proved to our [*or* my] Satisfaction that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Premises [*or* the said *A.B.*] to appear this Day before us [*or* me] hath been duly served according to the said Act:

Now upon Proof here had before us [*or* me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* by the said *A.B.*], we [*or* I], in pursuance of the said Act, do order the said Owner [*or* Occupier, *or A.B.*] within from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance,* to cleanse, whitewash, purify, and disinfect the said Dwelling House; *or, for further instance,* to construct a Privy or Drain, *&c.*; *or, for further instance,* to cleanse or to cover or to fill up the said Cesspool, *&c.*], so that the same shall no longer be injurious to Health or a Nuisance as aforesaid.

[*And if it appear to the Justices that the Nuisance is likely to recur on the Premises say,* [And we] [*or* I] being satisfied that, notwithstanding the said Cause or Causes of Nuisance may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [*or* Occupier, *or A.B.*,] from [*here insert the Matter of the Prohibition, as, for instance,* from using the said House or Building for Human Habitation until the same, in the Judgment of the [*local Authority*], is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [*or* if the above Order of Prohibition be infringed,] then we [*or* I] do authorize and require you, the said [*local Authority, naming it*], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit [*the Day of the Certificate or Notice*] as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that

that the same or the like Nuisance will recur on the said Premises, do hereby prohibit, *&c.* [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace for [*or* the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], this Day of in the Year of our Lord One thousand eight hundred and .

FORM (G.)

Order of Justices for Removal of Nuisance by local Authority.

To the Town Council, *&c.*, *as the Case may be.*

County, *&c.* to wit. } WHEREAS [*recite Complaint of Nuisance, as in last Form*].

And whereas it hath been now proved to our [*or* my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known *or* can be found [*as the Case may be*]: Now we [*or* I], in pursuance of the said Act, do order the said [*local Authority, naming it,*] forthwith, and without any Notice of Entry by them to be given, which Notice is hereby dispensed with, to [*here specify the Works to be done*].

Given, *&c.*

FORM (H.)

Notice to Owner or Occupier previous to Removal of Nuisance by the local Authority.

To the Owner [*or* Occupier, *as the Case may be,*] of [*insert sufficient Description to identify the Premises as in the Order*].

WHEREAS by the Order of [Justices] dated the Day of issued under the Provisions of the Nuisances Removal Act, 1855, on the Complaint of there being [*insert the Cause or Complaint as set forth in the Order*], you are [*insert Directions to the Occupier or Party complained of for Abatement or Prohibition of Nuisance*]: Now take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority, naming it,*] will cause the said

said Premises to be entered and examined under the Provisions of the said Act, and if the said Direction of the said Order be found not to have been complied with, or the Grounds of Complaint are still existing, they will proceed as the Law requires to recover the Penalty for not complying with or infringing the said Order, and will proceed to remove the Cause or Causes of Nuisance, and execute the Works necessary in that Behalf, at your Cost.

Dated this Day of in the Year of our Lord One thousand eight hundred and .

A. B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal and Diseases Prevention Act, 1855.

FORM (I.)

Order to permit Execution of Works by Owners.

County of [*or* Borough of *or* Metropolitan Police District, *or as the Case may be*,] to wit.

WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*, *or* One of Her Majesty's Justices of the Peace, *as the Case may be*, of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal Act, 1855," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate at [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the Act of Prevention generally according to the Circumstances; for instance, thus,*] doth refuse to quit the said House, the same having by the Order of Justices been declared for Human Habitation, *or* doth prevent the said *A.B.* from cleansing *or* whitewashing *or* purifying the said Dwelling House [*or* Building], *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain, [Ditch, Gutter, Privy, Urinal, Cesspool, *or* Ashpit]: And whereas the said *C.D.* has been summoned to answer the said Complaint, and has not shown sufficient Cause against the same, and it appears

appears to me that [*describe the Act or Works to be done*] necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and

E.F. (L.S.)

FORM (J.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 24.

To [*describe the Person from whom the Costs, Expenses, or Penalties are due*].

County of *or* Borough of *or* District of to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority*], that the Sum of Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [*describe the Nuisance*], and an Order of [*describe the Person making the Order*] duly made in pursuance of The Nuisances Removal Act, 1855, [*if Penalties are due, add*, and also the Sum of Pounds, being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J. P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of] the Day of in the Year of our Lord One thousand eight hundred and

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FORM (K.)

Order for Payment of Costs, Expenses, and Penalties. Sec. 24.

To [*name the Person on whom the Order is made*].

County, &c. } WHEREAS Complaint has been made before us [*or* me] for
to wit. } that [*recite Cause of Complaint as in Form I.*].

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or* before me the said Magistrate of the Police Courts of the Metropolis, *or as the Case may be*,] to answer this Matter of the said Complaint: [*or, in case the Party charged do not appear, say*],

And whereas it has been this Day satisfactorily proved to us [*or* me] that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [*or* me] this Day, hath been duly served according to the said Act: Now, having heard the Matter of the said Complaints, we [*or* I] do adjudge the said [*naming the Person charged*] to pay forthwith [*or* by Instalments of payable respectively on or before the] to the said [*naming the Person or local Authority to whom the Costs adjudged are payable*], the Sum of for Costs in this Behalf, and to [*naming the Person or Authority to whom the Expenses are payable*] the Sum of for Expenses in this Behalf, [*if Penalties are due, add*, and the Sum of for Penalties incurred in relation to the Premises,] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to [*or*, if any One of the said Instalments be not paid within Seven Days after the same is due as aforesaid], we [*or* I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said , and in default of sufficient Distress in that Behalf, adjudge the said to be imprisoned in the Common Gaol [*or* House of Correction, *as the Case may be*,] at in the said County [*or*, *as the Case may be*,] for the Space of such Time not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [*or* Sum], and all Costs and Charges of the said Distress [and of the Commitment and carrying of the said to the said House of Correction *or* Common Gaol, *or*, *as the Case may be*,] shall be sooner paid.

Given under our [*or* my] Hands, this Day of in the Year of our Lord One thousand eight hundred and at in the [County, *or*, *as the Case may be*,] aforesaid.

FORM

FORM (L.)

Warrant of Distress. Sec. 24.

To the Constable of and to all other Peace Officers in the said County [*or, as the Case may be*].

WHEREAS on last past Complaint was made before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of [*or as the Case may be*] [*or,* a Magistrate of the Police Courts of the Metropolis, *or* Stipendiary Magistrate, *as the Case may be*] for that [*&c. as in the Order*]; and thereupon having considered the Matter of the said Complaint, we [*or* I] adjudged the said [*set out from Form K. the Adjudication of Payment, and the Order for Distress and for Imprisoment in default of Distress*]: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said hath not paid the same or any Part thereof, but therein hath made Default: These are therefore to command you in Her Majesty's Name forthwith to make Distress of the Goods and Chattels of the said A.B.; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale over to the Clerk of the Justices of the Peace for the Division of in the said [County, *or as the Case may be*], that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said ; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our [*or* my] Hands and Seal this Day of in the Year of our Lord One thousand eight hundred and at in the [County] aforesaid.

A.B.

C.D.

(L. S.)

FORM (M.)

Return to be annually made by the Highway Surveyors, or other Authority having the Duty of repairing, cleansing, or paving the Highways in any Parish.

Parish [*or otherwise*] of in the County of

[*Specimen of Mode of filling up this Return.*]

1. The Length of the open Ditches and Watercourses in the said Parish or Place along which either Waters of Rainfall or Drainage from Houses are carried.

1. Fourteen Miles.

2. The Length of covered common Drains in the said Parish or Place.

2. Two Miles and Three hundred Yards.

3. The Length of open Ditches and Watercourses which have, during the past Year, been scoured and cleansed under Section 67. of the Highway Act, and Section [21 (A.)] of this Act; distinguishing the Lengths more than once so scoured and cleansed, and stating how often in each latter Case.

3. Ten Miles and a Half; Two Miles of this Four Times; Three other Miles of it twice.

4. The Length of covered common Drains repaired during the last Year.

4. Five hundred Yards.

5. The Length of Ditches, Drains, Gutters, or Watercourses, covered or otherwise, during the past Year, under Section [ ] of this Act; distinguishing the Length covered, and that improved by other artificial Structure.

5. One Mile and Nine hundred Yards; of which Five hundred and sixty Yards have been made into a covered Sewer, Two Feet Six Inches by One Foot Three Inches; the Remainder has been straightened, levelled, and laid with a Brick Invert, having a Radius of One Foot Six Inches.

6. The Amount expended during the last Year in scouring and clearing such Ditches and Watercourses.

6. 137*l.*

7. The Amount expended during the last Year in laying and making covered or other artificial Structure in or instead of any former Ditches or Watercourses under Section [21 (B.)] of this Act.

7. 275*l.* the covered Sewer; 315*l.* the Invert; all done by Contract.

8. The Number of Houses in the said Parish or Place.

8. Five hundred and seventy-three.

9. The Number of Houses draining into any open Ditch or Watercourse.

9. Two hundred and twenty-three, as nearly as can be ascertained.

10. The Number of Houses draining into any covered Drain, either made under Section [21 (B.)] of this Act, or otherwise existing, distinguishing the same.

10. Three hundred and forty-one; of which One hundred and thirteen drain into covered Drains formerly existing, Two hundred and twenty-eight into Drains made under the said Section.

11. The Sum received during the last Year from or in respect of any (stating how many) Houses, using Drains, or otherwise made under Section [21 (B.)] of this Act, distinguishing such Part thereof as has been paid as an annual Charge from such Part as has been paid in immediate Discharge of Proportion of the Cost.

11. 111*l.* in the whole in respect of Two hundred and twenty-three Houses; of which 67*l.* has been paid in immediate Discharge of Proportion of the Cost for Fifty-three Houses; leaving 44*l.* received for annual Payments made in respect of a Charge on the Occupation of One hundred and seventy Houses using such Drains and other Works.

Dated this 25th Day of March 1856.

[*To be signed by the Surveyors of Highways, or the Clerk to the Board or otherwise, where such exists.*]

FORM

FORM (N.)

Return of Proceedings under Nuisances Removal and Diseases Prevention Act, 1855, *by the* [name the local Authority at length].

From 25th March 1855 *to 25th March* 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks :—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, without Justices Order.	Several Houses being in a like Position, the Highway Surveyor laid down a Sewer in the old Watercourse, and each House was charged a proportionate Sum for the same, of which the highest Sum was 10*s*.
18 April -	Two Neighbours	Offensive Cesspool.	Abated by local Authority.	Renewed once ; but Penalty recovered, and not since attempted.

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the local Authority.*]

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment.

A

B I L L

[AS AMENDED BY THE COMMITTEE]

To consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

(*Prepared and brought in by Sir Benjamin Hall, Viscount Palmerston, and Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed*, 23 *February* 1855.

[Bill 40.]

Under 5 oz.

695

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preamble refers to 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111., Nuisances Removal and Diseases Prevention Acts, and
Section 1. repeals those Acts, saving Proceedings in progress, &c.
Sect. 2. Interpretation of Act.

PART I.—*Constitution of local Authority, Expenses of executing the Act, Description of Nuisances, Notice of Nuisance, and Powers of Entry.*

Sect. 3. Local Authorities to execute Act.
Sect. 4. Filling up Vacancies.
Sect. 5. Committee of local Authority may be appointed.
Sect. 6. Execution of Act in Extra-parochial Places.
Sect. 7. Expenses of executing the Act.
Sect. 8. Description of Nuisances to be abated.
Sect. 9. Inspector of Nuisances to be appointed.
Sect. 10. Notice of Nuisances to ground Proceedings of local Authority.
Sect. 11. Powers of Entry for local Authority or their Officers.

PART II.—*Removal of Nuisances.*

Sect. 12. Proceedings of local Authority before Justices.
Sect. 13. Order of Justices for Abatement and Prohibition.
Sect. 14. Consequences of Disobedience to Order.
Sect. 15. Appeal against Order of Prohibition.
Sect. 16. Appeal against Order of Abatement when structural Works are required.
Sect. 17. Where Person committing Nuisance cannot be found, local Authority to execute Order at once.
Sect. 18. Matter causing Nuisance to be sold.
Sect. 19. Expenses of Works charged to Person on whom Order made, or on Premises, and recoverable in County Court or before Justices.

Sect. 20. Proceedings before Justices to recover Expenses and Penalties.
Sect. 21. Proviso as to Proceedings against Owner or Occupier.
Sect. 22. Surveyors of Roads to cleanse Ditches, &c.
Sect. 23. Covering, &c. of open Ditches serving for Sewerage of both Roads and Houses.
Sect. 24. Penalty for causing Water to be corrupted by Gas-washings.
Sect. 25. Penalty to be sued for in Superior Courts within Six Months.
Sect. 26. Daily Penalty during the Continuance of the Offence.
Sect. 27. Penalty on Sale of unwholesome Meat, &c.
Sect. 28. Justices may order Nuisances from offensive Trades or Processes to be abated.
Sect. 29. Trial by Jury at Quarter Sessions.
Sect. 30. Local Authority to order Costs of Prosecutions to be paid out of the Rates.
Sect. 31. Penalties on local Authority for Neglect of Duty under this Act.
Sect. 32. Local Authority to furnish Returns.

PART III.—*Procedure.*

Sect. 33. Service of Notices, Summonses, and Orders.
Sect. 34. Proof of Resolutions of local Authority.
Sect. 35. Proceedings against several Persons in respect of One Nuisance.
Sect. 36. One or more joint Owners or Occupiers may be proceeded against alone.
Sect. 37. Unnecessary to describe Owners or Occupiers by Name in certain Cases.
Sect. 38. Penalty for obstructing Execution of Act.
Sect. 39. Penalty on Occupier obstructing Owner.
Sect. 40. Recovery of Penalties and Expenses.
Sect. 41. Proceedings not to be quashed for Want of Form.
Sect. 42. Appeal to Quarter Sessions.
Sect. 43. Forms.
Sect. 44. Protection of local Authority and Officers executing Act.
Sect. 45. Constables to aid in executing Act.
Sect 46. Saving Jurisdiction of Commissioners of Sewers, and Common Law and Statutory Jurisdiction as to Nuisances.

Sect. 47. Repeals so much of 16 & 17 Vict. c. 128. as relates to Trades, &c. causing offensive Effluvia.

Sect. 48. Secretary of State or Police Commissioners may proceed in such Cases as well as local Authority under this Act.

Sect. 49. Act not to affect Navigation of Rivers or Canals.

Sect. 50. Short Title.

SCHEDULES.

List of Forms.

Form (A.) Order of Justices for Admission of Officer of Local Board to inspect private Premises.

„ (B.) Notice of Nuisance.

„ (C.) Notice to Owner or Occupier of Entry for Examination.

„ (D.) Summons.

„ (E.) Order of Justices for Removal of Nuisances by Owner, &c.

„ (F.) Order of Justices for Removal of Nuisances by local Authority.

„ (G.) Order to permit Execution of Works by Owners.

„ (H.) Summons for Nonpayment of Costs, Expenses, or Penalties. Sect. 24.

„ (I.) Order for Payment of Costs, Expenses, and Penalties. Sect. 24.

„ (K.) Warrant of Distress. Sect. 24.

„ (L.) Return of Proceedings under this Act.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to England, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed for England.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to England, except all Provisions of the said Acts which Her Majesty's Most Honourable Privy Council may by their Order or Orders direct to be put in force for England for the Prevention of epidemic, endemic, and contagious Diseases, and so much of the said Acts as gives Power to the said Council to issue, revoke, or review such Orders, being the Sections numbered in the Copies of the said firstly herein-before mentioned Act, printed by the Queen's Printers, from IX to XXIII inclusive, and the Sections numbered respectively in the Copies of the said secondly herein-before mentioned Act so printed as aforesaid III, IV, VI, VII, VIII: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Contracts or Works undertaken by

Saving Proceedings in progress.

virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of Words.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Word "Guardians" includes the Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Parish, or Place where the Matter or any Part of the Matter requiring the Cognizance of any such Officer arises; the Word "Borough" and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; the Word "Parish" includes every Township or Place separately maintaining its Poor, or separately maintaining its own Highways; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Divison of a County; the Word "Metropolis" has the same Meaning and Construction as is assigned to that Word for the Purposes of the Act 15 & 16 Vict. Cap. 85., "to amend the Law concerning the Burial of the Dead in "the Metropolis;" the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole.

PART I.

Constitution of local Authority, Expenses, Description

And with respect to the Constitution of the local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

III. The

of Nuisances, and Powers of Entry.

Local Authority to execute Act.

III. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in England:

In any Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of London and the Liberties thereof, where the local Authority shall be the Commissioners of Sewers for the Time being; and except in the City of Oxford and Borough of Cambridge, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively, in the said City and Borough:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any Place, in which there is no Council or Local Board of Health, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners:

In any Place within which there is no such Council, Local Board of Health, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board:

In any Place where there is no such Council, Local Board of Health, Body of Trustees, or Commissioners, nor Highway Board, a Committee for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be ex officio a Member or Members, may be annually chosen by the Vestry on the same Day as the Overseers or Surveyors of Highways, and the First of such Committees may be chosen at a Vestry to be specially held for that Purpose; and such Committee may consist of such Number of Members as the Vestry shall determine, not being more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum:

In any Place in which there is no such Council, Local Board of Health, Body of Trustees, or Commissioners, nor Highway Board, nor Committee appointed as aforesaid, the Guardians of the Poor in and for such Place.

Filling up Vacancies.

IV. On any Vacancy in such Nuisances Removal Committee arising from Death, Change of Residence or otherwise, Notice shall be given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election; and until such Vacancy is filled up the remaining Mem-

bers of the Committee may act in all respects as if their Number was complete.

Committee may be appointed.

V. The local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

Execution of Act in Extra-parochial Places.

VI. In Extra-parochial Places not comprised within the Jurisdiction of any of the local Authorities aforesaid, and having a Population of not less than Two hundred Persons, the local Authority for the Execution of this Act shall be a Nuisances Removal Committee, elected annually by the Householders within the Extra-parochial Place.

The First Election of such Committee shall take place at a Meeting of such Householders summoned for that Purpose by the Churchwardens of the adjacent Place having the largest common Boundary with such Extra-parochial Place; and

Subsequent Elections shall be held annually on some Day in Easter Week at Meetings summoned by the Chairman of the local Authority for the Year preceding.

Extra-parochial Places not so comprised as aforesaid, and having a Population of less than Two hundred Persons, shall for the Purpose of this Act be attached to and form Part of the adjacent Place having the largest common Boundary with the Extra-parochial Place, and Notice of Vestry Meetings for the Election of a local Authority under and for the Purposes of this Act shall be given in such Extra-parochial Places, and the Householders within such Places may attend such Vestry Meetings, and vote on such Elections.

Expense of Execution of Act.

VII. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows, to wit:

Out of the Borough Fund or Borough Rate, where the local Authority is the Mayor, Aldermen, and Burgesses by the Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act; or in the City of London and the Liberties thereof, any Rates or Funds

Funds administered by the Commissioners of Sewers for the said City and Liberties;

Provided always that in the City of Oxford and Borough of Cambridge such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable;

Out of General District Rates, where the local Authority is a Local Board of Health;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the local Authority is a Highway Board, or a Nuisances Removal Committee;

And if there be no such Rates or Funds, or if the local Authority be the Guardians, then out of the Rates or Funds applicable to the Relief of the Poor;

And when the local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the local Authority, on the Order of Two Justices, directed to such Officer or Person, and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale.

In Extra-parochial Places having a Population of not less than Two hundred Persons, out of a Rate assessed by the local Authority on all such Property in the Place as would be assessable to Highway Rate, if such Rate were levied therein.

In Extra-parochial Places having a Population of less than Two hundred Persons, out of a similar Rate, assessed by the Surveyor of Highways of the adjacent Place having the largest common Boundary with such Extra-parochial Place.

And the Local Authority in the First Case, and the Surveyor of Highways in the Second, may levy and collect the Sums so assessed, in the same Manner and with the same Remedies in case of any Default in Payment thereof, and with the same Right of Appeal against the Amount of such Assessment reserved to the Person assessed, as are provided by the Law in force for the Time being with regard to Rates for the Repair of Highways.

Description of Nuisances abateable.

VIII. The Word "Nuisances" under this Act shall include—

Any Premises in such a State as to be offensive or injurious to Health:

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, so foul as to be offensive or injurious to Health:

Any Animal so kept as to be injurious to Health:

Any Accumulation or Deposit within the Limits of any Town or Street, or less than Fifty Yards from any House, offensive or injurious to Health:

Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Act, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer than is necessary for the Purposes of such Business or Manufacture, and that the best available Means have been taken for protecting the Public from Annoyance thereby.

Local Authority to appoint sanitary Inspector. Remuneration.

IX. The local Authority shall, for the Purposes of this Act, appoint or employ, or join with other local Authorities in appointing or employing, an Inspector or Inspectors of Nuisances, and may appoint a convenient Place for his or their Office, and shall allow to every such Person on account of his Employment a proper Salary or Allowance; and where local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance: Provided always, that where the local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

Notices of Nuisances to ground Proceedings of local Authority;

X. Notice of Nuisance may be given to the local Authority by any Person aggrieved thereby, or by any of the following Persons: Two or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer of the Union or Parish; any Constable or any Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses; and the local Authority may take Cognizance of any such Nuisance, on the Information of their Inspector of Nuisances, after Entry made as herein-after provided, or in conformity with any Improvement Act under which the Inspector has been appointed.

XI. The

XI. The local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

Power of Entry to local Authority or their Officer.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, causing Effluvia offensive or injurious to the Health of the Inhabitants of the Neighbourhood, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may on Oath made before him of Belief in the Existence of the Nuisance, and after Notice being given to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand, require the Person having the Custody of the Premises to admit the local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, the local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, until the Nuisance shall have been abated, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables under the Powers and for the Purposes of this Act.

For this Purpose the local Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is found, at all reasonable Hours, without Notice.

PART II.

With regard to the Removal of Nuisances, be it enacted thus:

Proceedings by local Authority before Justices in the Case of Nuisances, recurrent or otherwise.

Complaint: Summons:

Hearing.

XII. In any Case where a Nuisance is so ascertained by the local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint, and who in so doing may examine the Party complained against; and if it be proved to their Satisfaction that the Nuisance exists, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned; and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.

Justices Order for Abatement.

XIII. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Premises offensive or injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the offensive or injurious Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to carry away the offensive or injurious Accumulation or Deposit, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may

Prohibitive Order against future Nuisance.

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in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Justices unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Penalty for Contravention of Order of Abatement; and of Prohibition.

XIV. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than Ten Shillings per Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such contrary Action; and the local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made as herein-after provided.

Local Authority may enter and remove or abate Nuisance.

Appeal against Order of Prohibition.

XV. Any such Order of Prohibition may be appealed against as provided in this Act.

Appeal against Order of Abatement when structural Works are required of a Cost above 15*l.*

XVI. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction, or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works, and they may, before making their Order for Abatement, require the local Authority, within a Time to be specified by the Justices, to furnish them an Estimate of the Cost of the required Works; and in case the Cost of such Works will in the Judgment of the Justices exceed the Sum of Fifteen Pounds, they shall notify the same in the Order; and if within Seven Days from the Date thereof the Person on whom the Order is made shall have given Notice to the local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order until after the Determination of

such Appeal, unless such Appeal cease to be prosecuted: Provided always, that there shall be no Appeal under this Section from the Decision of a Police Magistrate, unless the estimated Cost of the Works to be done shall exceed the Sum of Fifteen Pounds.

If Person causing Nuisance cannot be found, local Authority to execute Order at once.

XVII. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default, Permission or Sufferance, the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

Manure, &c. to be sold.

XVIII. Any Matter or Thing removed by the local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing, and the Money arising from the Sale retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference such Nuisance, and the Surplus, if any, shall be paid, on Demand, to by the local Authority, to the Owner of such Matter, or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XIX. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or if the Order be made on the local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made, or the Notice given, then of the Person by whose Act, Default, Permission, or Sufferance the Nuisance was caused; and in case of Nuisances caused by the Act, Default, Permission, or Sufferance of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole Two Years Rackrent of the Premises; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act, Default,

Default, Permission, or Sufferance the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous, they may order the Payment by the local Authority of the Costs incurred by the Person against whom the Complaint is made, or any Part thereof.

Proceedings before Justices to recover Expenses.

XX. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act as aforesaid, any Justice of the Peace, upon the Application of the local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit (with the Consent of the local Authority, but not otherwise) to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within Fourteen Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.

Proviso as to Proceedings against Owner or Occupier.

XXI. Provided always, That when such Order as last aforesaid is made on an Owner, any Costs, Expenses, or Penalties incurred in respect thereof shall be payable by the Occupier of the Premises to which the Order relates, and he shall be liable in respect thereof to such Distress and Sale as aforesaid, but not to any greater Amount than the Rent actually due from Time to Time; and any Sum so paid by such Occupier shall be deducted by him from the Rent due, or from Time to Time becoming due, and the Receipt for the Amount so paid shall to that Extent be as against the Owner in default a sufficient Discharge for Rent, and the Justices shall have Power to inquire into and determine what Rent is due.

Surveyor of Highways to cleanse Ditches, &c.

XXII. All Surveyors or District Surveyors of Highways shall scour, cleanse, and keep open, as far as may be practicable, all Outfalls, Ditches, Gutters, Drains, and Watercourses along the Side of any Highway, and for the Purpose of an Outfall may carry such Ditches, Gutters, Drains, and Watercourses into and through any Lands or Grounds adjoining or lying near to any such Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages he may sustain thereby, and

may sell any Matter or Thing removed therefrom, and shall apply the Money arising from such Sale towards the Repair of the Highways within the Parish or Place in which such Removal shall have taken place; and this Provision shall be deemed to be Part of the Laws relating to Highways in England.

Open Ditches, &c. to be covered or improved.

XXIII. Whenever any Ditch, Gutter, Drain, or Watercourse as aforesaid used, or partly used, for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises, is a Nuisance within the Meaning of this Act, and cannot, in the Opinion of the local Authority, be rendered inoffensive or innocuous, without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority, shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act for consolidating and amending the Laws relating to Highways in England;" and such local Authority are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate, or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in England: Provided always, That where such Ditch, Gutter, Drain, or Watercourse shall, as to Parts thereof, be within the Jurisdiction of different local Authorities, this Enactment shall apply to each local Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Poor Rate, if any.

XXIV. Any

XXIV. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas, whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Two hundred Pounds. Penalty for causing Water to be corrupted by Gas-washings. (Gas Works Clauses Act, 1847.)

XXV. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within Six Months after it shall have ceased. Penalty to be sued for in Superior Courts within Six Months. (Gas Works Clauses Act.)

XXVI. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act. Daily Penalty during the Continuance of the Offence. (Gas Works Clauses Act.)

XXVII. The Inspector of Nuisances may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man he shall order Penalty on Sale of unwholesome Meat, &c.

order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Nuisances arising in the Case of Trades, Businesses, Processes, or Manufactures.

XXVIII. If any Candle House, Melting House, Melting Place, or Soap House, or any Slaughter House, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing offensive Effluvia, be at any Time certified to the Local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the local Authority shall direct Complaint to be made before any Justice, who may summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting, the Person by or in whose Behalf the Work so complained of is carried on, and such Justices shall inquire into such Complaint, and if it shall appear to such Justices that the Person complained against by his Trade or Business causes any Effluvia, which are offensive or injurious to the Health of the Inhabitants of the Neighbourhood, without using the best practicable Means for preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of Two hundred Pounds: Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for mitigating or preventing the offensive or injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal and shall appeal accordingly.

Trial by Jury at Quarter Sessions.

XXIX. Provided also, That if before Conviction by Two such Justices the Party complained against desire to have the Matter tried by

by a Jury, and enter into a Recognizance to try such Matter without Delay, and to pay all Costs of Trial if a Verdict be found against him, then such Matter may be tried at the next practicable Court of Quarter Sessions, or whensoever the Court shall appoint; and thereupon it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and required to impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, for the Purpose of trying such Matter, and to try such Matter by the said Jury; and if the said Court think fit it shall be lawful for them and they are hereby empowered to authorize the said Jury to view the Place in question in such Manner as they shall direct, and to command the Attendance of such Jury, and of all Witnesses and Parties as shall be necessary or proper, until such Affairs for which they are summoned shall be concluded; and the said Jury shall inquire and try, and determine by their Verdict, whether the Effluvia in question be offensive or injurious, and whether the Party in question have adopted the best practicable Means for preventing or counteracting the offensive or injurious Effects of such Effluvia; and the said Court of Quarter Sessions shall give Judgment according to such Verdict, and may award to either of the Parties such Costs as they may deem reasonable, which Verdict, and the Judgment, Award, Order, or Determination thereupon, shall be binding and conclusive.

Summoning of a Jury.

View of the Premises.

Verdict of Jury.

Judgment according to Verdict:

and Judgment to be binding.

XXX. The local Authority may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Area of their Jurisdiction, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Rates or Funds administered by them under this Act.

Local Authority to order Costs of Prosecutions to be paid out of the Rates. (T.I.C. Act.)

XXXI. In every Case where Notice of Nuisance has been given to the local Authority in conformity with this Act, and such local Authority have not within Fourteen Days after the Receipt of such Notice taken the Steps required by this Act, and the Nuisance still remains, on Information thereof, on the Oath of One credible Witness, given to any Justice of the Peace, it shall be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Inspector of Nuisances, the Officer of the local Authority empowered to make Complaints or take Proceedings under this Act, or any other Officer of the local Authority within whose Cognizance the Matter of Complaint may appear to such Justice to come, to appear before any Two Justices asssembled as aforesaid, and the said Justies

Penalties on local Authority for Neglect of Duty under this Act.

shall thereon inquire, in such Manner as they may think proper, into the alleged Neglect, and if they are of opinion that it is a Matter in which the local Authority are bound to proceed under this Act they may make an Order on the local Authority, limiting and appointing a Time for their so proceeding, and in default of their so proceeding within the Time so limited the Persons named in such Order as being in default shall forfeit and pay to some Person to be named and appointed therein a Penalty to be therein stated, not exceeding the Sum of Five Pounds on each Person, which Penalty, when recovered, shall be applied and expended in the Performance of the Duty neglected by the local Authority, according to the Order of the said Justices, and the Surplus, if any, shall be appropriated in aid of the Rate for the Relief of the Poor.

Return of Proceedings.

XXXII. The local Authority shall in each Year make a Report containing an Account of Monies received and expended under this Act, with a Statement of the Steps taken by them in execution of this Act, (which may be in the Form L. in the Schedule to this Act,) of the Names of the local Authority, the Names and Addresses of their Officers, and of the Proceedings to be taken under this Act for the Removal of Nuisances, and shall cause Copies of such Return to be printed and deposited with the Clerk of the Peace, and supplied on Application to any Persons assessed for the Relief of the Poor in their District, and may defray the Cost out of the Rates or Funds applicable in aid of this Act.

PART III.

And with regard to Procedure under this Act, be it enacted, That

Service of Notices, Summonses, and Orders.

XXXIII. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.

Proof of Resolutions of local Authority.

XXXIV. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown,

Justices

be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Proceedings taken against several Persons for the same Offence.

XXXV. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act, Default, Permission, or Sufferance of such Persons, it shall be lawful for the local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more joint Owners or Occupiers may be proceeded against alone. N. R. & D. P. Act, 1848, s. 18.

XXXVI. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Unnecessary to describe Owners or Occupiers by Name in certain Cases. N. R. & D. P. Act, 1848, s. 19.

XXXVII. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Penalty for obstructing Execution of Act. N. R. & D. P. Act, 1848, s. 16.

XXXVIII. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty on Occupier obstructing Owner. N. R. & D. P. Act, 1848, s. 16.

XXXIX. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within Twenty-four Hours after the Service of such Order the Occupier against whom it is made do not

comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Non-compliance.

Recovery of Penalties and Expenses. N. R. & D. P. Act, 1848, s. 17. 11 & 12 Vict. c. 43.

XL. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in England according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three; and all Penalties recovered by the local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Proceedings not to be quashed for Want of Form. N.R & D.P. Act, 1848, s. 20.

XLI. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in one Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

Appeal to Quarter Sessions. (Public Health Act, s. 133.)

XLII. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Seven Days after the making of the Order appealed against he give to the local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court, or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which

which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Forms.

XLIII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Protection of local Authority and Officers in Cases of Action, &c. against them.

XLIV. The local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act, shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

Police Constables to aid in executing Act.

XLV. Constables and Officers of the Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act.

Act not to impair Jurisdiction of Sewers Commissioners, or Common Law Remedies for Nuisance, nor Jurisdiction of local Authority as to the Nuisances referred to in this Act.

XLVI. Nothing in this Act shall be construed to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if this Act had not passed, nor to impair any Power of abating Nuisances at Common Law, nor, except as provided by the following Section, any Jurisdiction in respect of Nuisances that may be possessed by any Authority under the Act intituled "An Act to abate the Nuisances arising "from the Smoke of Furnaces in the Metropolis, and from "Steam Vessels above London Bridge," or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances, or in respect of any other Matter or Thing herein-before provided or referred to, either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in this Act, or any Byelaws framed under any such Act, as they may think fit.

Repeals so much of 16 & 17 Vict. c. 128. as relates to

XLVII. From and after the passing of this Act so much of the Act firstly referred to in the preceding Section as subjects to Proceedings or Penalties thereunder any Person who shall after the First Day

Trades, &c. causing offensive Effluvia.

Day of August One thousand eight hundred and fifty-four within the Metropolis carry on any Trade or Business which shall occasion any noxious or offensive Effluvia, or otherwise annoy the Neighbourhood or Inhabitants, without using the best practicable Means for preventing or counteracting the same, is repealed.

Secretary of State or Police Commissioners may proceed in such Cases as well as local Authority under this Act.

XLVIII. Provided always, That in relation to such Nuisances as are referred to in the preceding Section within the Limits of the Metropolis, Complaints may be made and Proceedings taken under this Act, not only as by this Act already provided, but also by the Authority of One of Her Majesty's Principal Secretaries of State, or in the Metropolitan Police District by the Commissioners of Police of the Metropolis, or in the City of London or Liberties thereof by the Commissioner of Police of the said City and Liberties respectively, acting under the Orders and Directions of such Secretary of State.

Act not to affect Navigation of Rivers or Canals.

XLIX. Nothing herein contained shall enable any local Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal.

Short Title.

L. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for England, 1855."

SCHE-

SCHEDULE OF FORMS.

FORM (A.)

Order of Justices for Admission of Officer of local Authority to inspect private Premises.

WHEREAS [*describe the local Authority*] have by their Officer [*naming him*] made Application to me *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal Act, 1855, viz. [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Now, therefore, I the said *A.B.* do hereby require you to admit the said [*name the local Authority*], [or the Officer of the said (*local Authority*)], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

FORM (B.)

Notice of Nuisance.

To the local Authority (*describing it*).

I [*or* We], the Person aggrieved by the Nuisance herein-after described [*or* the undersigned and described Inhabitant Householders, Inspector of Nuisances, *or other Officer* (*describing him*)], do hereby give you Notice, That there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*], situate at [*giving such Description as may be sufficient to identify the Premises*], in the Parish of in your District, under the Nuisances Removal Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* a Dwelling House or Building offensive or injurious to Health fo want of a Privy *or* Drain *or* sufficient Means of Ventilation, *or* so dilapidated *or* so filthy as to be offensive or injurious to Health, *or, for further instance,* a Ditch *or* Drain so foul as to be offensive or injurious to Health, *or* an Accumulation of , offensive or injurious to Health, *&c., or*

Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act, Default, Permission, or Sufferance the Nuisance is caused, or* by some Person unknown].

Dated this Day of in the Year of our Lord One thousand eight hundred and

[*Signed by Complainant under Section* 10.]

FORM (C.)

Notice to Owner or Occupier, of Entry for Examination.

To the Owner [*or* Occupier, *as the Case may be,*] of [*describe the Premises situate at*] [*insert a Description sufficient to identify the Premises*].

TAKE notice, That under the Nuisances Removal Act, 1855, the [*local Authority naming it,*] in whose District under the said Act the above Premises are situate, have received a Notice from [*name Complainant*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our Lord One thousand eight hundred and

A. B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal Act, 1855

FORM

FORM (D.)

Summons.

To the Owner *or* Occupier of [*describe Premises*] situate at [*insert such a Description as may be sufficient to identify the Premises*], *or* to *A.B.* of .

County of [*or* Borough of *&c. or* District of *or as the Case may be*] to wit.

YOU are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority, as the Case may be*], that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal Act, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused or permitted by the Occupier [*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say,* there existed recently, to wit, on or about the Day of on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction*] stated in the Margin, *or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of Day of in the Year of our Lord One thousand eight hundred and

FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [*or* Occupier] of [*describe the Premises*] situate [*give such Description as may be sufficient to identify the Premises*], *or* to *A.B.* of or to [*giving Name of the local Authority*], or to their Servants or Agents, and to all whom it may concern.

County of
[*or* Borough, *&c.* of *or*
District of
or as the Case may be].

WHEREAS on the Day of Complaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [*or other Jurisdiction*] stated in the Margin, [*or* before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*,] by [*or* by on behalf of] [*the local Authority, naming it, as the Case may be*], that in or upon certain Premises situate at in the District under the Nuisances Removal Act, 1855, of the Complainants above named, the following Nuisance then existed [*describing it*]; and that the said Nuisance was caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* was caused by *A.B.*] (*If the Nuisance have been removed say*, the following Nuisance existed on or about [*the Day the Nuisance was ascertained to exist*], and that the said Nuisance was caused, *&c.*, and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)

And whereas the Owner [*or* Occupier] within the Meaning of the said Nuisances Removal Act, 1855, [*or* the said *A.B.*,] hath this Day appeared before us Justices, being Two of Her Majesty's Justices in and for , sitting in Petty Sessions at their usual Place of Meeting [*or* before me, the said Magistrate of the Police Courts of the Metropolis, *or, as the Case may be*], to answer the Matter of the said Complaint [*Or in case the Party charged do not appear, say*, And whereas it hath been this Day proved to our [*or* my] Satisfaction that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Premises [*or* the said *A.B.*] to appear this Day before us [*or* me] hath been duly served according to the said Act:

Now upon Proof here had before us [*or* me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused or permitted to continue by the Owner [*or* Occupier] of the said

said Premises [*or* by the said *A.B.*,] we [*or* I], in pursuance of the said Act, do order the said Owner [*or* Occupier, *or A.B.*] within [*specify the Time*] from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance*, to cleanse, whitewash, purify, and disinfect the said Dwelling House; *or, for further instance*, to construct a Privy or Drain, *&c.*; *or, for further instance*, to cleanse or to cover or to fill up the said Cesspool, *&c.*], so that the same shall no longer be offensive or injurious to Health as aforesaid.

[*And if it appear to the Justices that the Nuisance is likely to recur on the Premises say* [And we] [*or* I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [*or* Occupier, *or A.B.*,] from [*here insert the Matter of the Prohibition, as, for instance*, from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [*or* if the above Order of Prohibition be infringed,] then we [*or* I] do authorize and require you the said [*local Authority, naming it*], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit, [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace in and for [*or* the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], this Day of in the Year of our Lord One thousand eight hundred and

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Form (F.)

Order of Justices for Removal of Nuisance by local Authority.

To the Town Council, *&c., as the Case may be.*

County, *&c.* to wit, } Whereas [*recite Complaint of Nuisance as in last Form*].

And whereas it hath been now proved to our [*or* my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known *or* can be found [*as the Case may be*]: Now we [*or* I], in pursuance of the said Act, do order the said [*local Authority, naming it,*] forthwith to [*here specify the Works to be done*].

Given, *&c.*

Form (G.)

Order to permit Execution of Works by Owners.

County of [*or* Borough of *or* Metropolitan Police District, *or as the Case may be,*] to wit. } Whereas Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be, or* One of Her Majesty's Justices of the Peace, *as the Case may be*, of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal Act, 1855," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate at [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D.* [*here describe the Act of Prevention generally according to the Circumstances; for instance thus,* doth refuse to quit the said House, the same having by the Order of Justices been declared unfit for Human Habitation, *or* doth prevent the said *A.B.* from cleansing *or* whitewashing *or* purifying the said Dwelling House, *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a Drain, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, *or* Ashpit offensive or injurious to Health]: And whereas the said *C.D.* has been summoned to answer the said Complaint, and has not shown sufficient Cause against the same, and it appears

to

to me that [*describe the Act or Works to be done*] is necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

E.F. (L.S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.

To [*describe the Person from whom the Costs, Expenses, and Penalties are due*].

County of *or* Borough of *or* District of to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority*], that the Sum of Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [*describe the Nuisance*], and an Order of [*describe the Person making the Order*] duly made in pursuance of The Nuisances Removal Act, 1855, [*if Penalties are due, add,* and also the Sum of being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J. P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of] the Day of in the Year of our Lord One thousand eight hundred and

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FORM (I.)

Order for Payment of Costs, Expenses, and Penalties. Sec. 20.

To [*name the Person on whom the Order is made*].

County, &c. to wit. } WHEREAS Complaint has been made before us [*or* me] for that [*recite Cause of Complaint.*]

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or* before me the said Magistrate of the Police Courts of the Metropolis, *or as the Case may be,*] to answer this Matter of the said Complaint: [*or, in case the Party charged do not appear, say*],

And whereas it has been this Day satisfactorily proved to us [*or* me that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [*or* me] this Day hath been duly served according to the said Act: Now, having heard the Matter of the said Complaint, we [*or* I] do adjudge the said [*naming the Person charged*] to pay forthwith [*or* by Instalments of payable respectively on or before the] to the said [*naming the Person or local Authority to whom the Costs adjudged are payable*], the Sum of for Costs in this Behalf, and to [*naming the Person or Authority to whom the Expenses are payable*] the Sum of for Expenses in this Behalf, [*if Penalties are due, add,* and the Sum of for Penalties incurred in relation to the Premises,] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to [*or*, if any One of the said Instalments] be not paid within Fourteen Days after the same is due as aforesaid, we [*or* I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said , and in default of sufficient Distress in that Behalf, adjudge the said to be imprisoned in the Common Gaol [*or* House of Correction, *as the Case may be,*] at in the said County [*or, as the Case may be,*] for the Space of such Time not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [*or* Sum], and all Costs and Charges of the said Distress [and of the Commitment and carrying of the said to the said House of Correction *or* Common Gaol, *or, as the Case may be,*] shall be sooner paid.

Given under our [*or* my] Hands, this Day of in the Year of our Lord One thousand eight hundred and at in the [County, *or, as the Case may be,*] aforesaid.

FORM

FORM (K.)

Warrant of Distress. Sec. 20.

To the Constable of and to all other Peace Officers in the said County [*or as the Case may be*].

WHEREAS on last past Complaint was made before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of [*or as the Case may be*] [*or* a Magistrate of the Police Courts of the Metropolis, *or* Stipendiary Magistrate, *as the Case may be*] for that [*&c. as in the Order*]; and thereupon having considered the Matter of the said Complaint, we [*or* I] adjudged the said [*set out from Form K. the Adjudication of Payment, and the Order for Distress and for Imprisonmect in default of Distress*]: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said hath not paid the same or any Part thereof within Fourteen Days after the Date fixed by the Order for such Payment, but therein hath made Default: These are therefore to command you in Her Majesty's Name forthwith to make Distress of the Goods and Chattels of the said *A.B.;* and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale over to the Clerk of the Justices of the Peace for the Division of in the said [County, *or as the Case may be*], that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said ; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our [*or* my] Hands and Seal, this Day of in the Year of Our Lord One thousand eight hundred and at in the [County] aforesaid.

A.B.
C.D.

(L.S.)

FORM (L.)

Return of Proceedings under Nuisances Removal Act, 1855, *by the* [name the local Authority at length].

From 25th March 1855 *to 25th March* 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks:—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, without Justices Order.	Several Houses being in a like Position, the Highway Surveyor laid down a Sewer in the old Watercourse, and each House was charged a proportionate Sum for the same, of which the highest Sum was 10*s*.
18 April -	Two Neighbours	Offensive Cesspool.	Abated by local Authority.	Renewed once; but Penalty recovered, and no subsequent Renewal attempted.

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the local Authority.*]

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

(*Prepared and brought in by Sir Benjamin Hall, Viscount Palmerston, and Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed,* 9 *May* 1855.

[Bill 112.]

Under 5 *oz.*

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Bill.

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Preamble refers to 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111., Nuisances Removal and Diseases Prevention Acts, and
Section 1. repeals those Acts, saving Proceedings in progress, &c.
Sect. 2. Interpretation of Words.

PART I.—*Constitution of local Authority, Expenses of executing the Act, Description of Nuisances, Notice of Nuisance, and Powers of Entry.*

Sect. 3. Local Authorities to execute Act.
Sect. 4. Filling up Vacancies.
Sect. 5. Committee of local Authority may be appointed.
Sect. 6. Execution of Act in Extra-parochial Places.
Sect. 7. Expenses of executing the Act.
Sect. 8. Description of Nuisances to be abated.
Sect. 9. Inspector of Nuisances to be appointed.
Sect. 10. Notices of Nuisances to ground Proceedings of local Authority.
Sect. 11. Powers of Entry for local Authority or their Officers.

PART II.—*Removal of Nuisances.*

Sect. 12. Proceedings of local Authority before Justices.
Sect. 13. Order of Justices for Abatement and Prohibition.
Sect. 14. Consequences of Disobedience to Order.
Sect. 15. Appeal against Order of Prohibition.
Sect. 16. Appeal against Order of Abatement when structural Works are required.
Sect. 17. Where Person committing Nuisance cannot be found, local Authority to execute Order at once.
Sect. 18. Matter causing Nuisance to be sold.
Sect. 19. Expenses of Works charged to Person on whom Order made, or on Premises, and recoverable in County Court or before Justices.

Sect. 20. Proceedings before Justices to recover Expenses and Penalties.
Sect. 21. Surveyor of Highways to cleanse Ditches.
Sect. 22. Covering, &c. of open Ditches serving for Sewerage of both Roads and Houses.
Sect. 23. Penalty for causing Water to be corrupted by Gas Washings.
Sect. 24. Penalty to be sued for in Superior Courts within Six Months.
Sect. 25. Daily Penalty during the Continuance of the Offence.
Sect. 26. Penalty on Sale of unwholesome Meat, &c.
Sect. 27. Justices may order Nuisances from offensive Trades or Processes to be abated.
Sect. 28. Reference to Superior Court at the Option of the Party complained against.
Sect. 29. On Certificate of Medical Officer to local Authority that House overcrowded, Proceedings may be taken to abate such overcrowding.
Sect. 30. Local Authority to order Costs of Prosecutions to be paid out of the Rates.

PART III.—*Procedure.*

Sect. 31. Service of Notices, Summonses, and Orders.
Sect. 32. Proof of Resolutions of local Authority.
Sect. 33. Proceedings against several Persons in respect of One Nuisance.
Sect. 34. One or more joint Owners or Occupiers may be proceeded against alone.
Sect. 35. Unnecessary to describe Owners or Occupiers by Name in certain Cases.
Sect. 36. Penalty for obstructing Execution of Act.
Sect. 37. Penalty on Occupier obstructing Owner.
Sect. 38. Recovery of Penalties and Expenses.
Sect. 39. Proceedings not to be quashed for Want of Form.
Sect. 40. Appeal to Quarter Sessions.
Sect. 41. Forms.
Sect. 42. Protection of local Authority and Officers executing Act.
Sect. 43. Saving Jurisdiction of Commissioners of Sewers, and Common Law and Statutory Jurisdiction as to Nuisances.

Sect. 44. Repeals so much of 16 & 17 Vict. c. 128. as relates to Trades, &c. causing offensive Effluvia.
Sect. 45. Act not to affect Navigation of Rivers or Canals.
Sect. 46. Short Title.

SCHEDULES.

List of Forms.

Form (A.) Order of Justices for Admission of Officer of Local Board to inspect private Premises.
„ (B.) Notice of Nuisance.
„ (C.) Notice to Owner or Occupier of Entry for Examination.
„ (D.) Summons.
„ (E.) Order of Justices for Removal of Nuisances by Owner, &c.
„ (F.) Order of Justices for Removal of Nuisances by local Authority.
„ (G.) Order to permit Execution of Works by Owners.
„ (H.) Summons for Nonpayment of Costs, Expenses, or Penalties. Sect. 20.
„ (I.) Order for Payment of Costs, Expenses, and Penalties. Sect. 20.
„ (K.) Warrant of Distress. Sect. 20.
„ (L.) Return of Proceedings under this Act.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

TO

Consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

The Clauses A., B., *and* C. *were added on Re-commitment.*

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The "Nuisances Removal and Diseases Prevention Amendment "Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to England, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to England: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Contracts or Works undertaken by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Recited Acts repealed for England. Saving Proceedings in progress.

Interpretation of Words.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, District under the Public Health Act, Parish, Township, or Hamlet, or Part of any such City, Borough, District, Town, Parish, Township, or Hamlet; the Word "Guardians" includes the Directors, Wardens, Overseers, Governors, or other like Officers having the Management of the Poor for any Parish or Place where the Matter or any Part of the Matter requiring the Cognizance of any such Officer arises; the Word "Borough" and the Expressions "Mayor, Aldermen, and Burgesses," "Council," and "Borough Fund," have respectively the same Meaning as in the Act for the Regulation of Municipal Corporations, and shall also respectively mean, include, and apply to any Royal Borough, Royal Town, or other Town having a Warden, High Bailiff, Borough Reeve, or other Chief Officer, and Burgesses, or Inhabitants, however designated, associated with him in the Government or Management thereof, or any Town or Place having a governing Body therein in the Nature of a Corporation or otherwise, and to the Chief Officers and governing Bodies of such Boroughs, Towns, and Places, and to the Funds and Property under the Management of or at the Disposal of such Chief Officers and governing Bodies; the Expression "Improvement Act" means an Act for regulating and managing the Police of, and for draining, cleansing, paving, lighting, watching, and improving a Place, and an Act for any of those Purposes; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; the Word "Parish" includes every Township or Place separately maintaining its Poor, or separately maintaining its own Highways; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Divison of a County; the Word "Metropolis" has the same Meaning and Construction as is assigned to that Word for the Purposes of the Act 15 & 16 Vict. Cap. 85., "to amend the Law concerning the Burial of the Dead in the Metropolis;" the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate

aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.

PART I.

Constitution of local Authority, Expenses, Description of Nuisances, and Powers of Entry.

And with respect to the Constitution of the local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

Local Authority to execute Act.

III. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in England:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other Place wherein a Council, Body Corporate, governing Body exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of London and the Liberties thereof, where the local Authority shall be the Commissioners of Sewers for the Time being; and except in the City of Oxford and Borough of Cambridge, where the local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough:

In any Place in which there is no Council, Body Corporate, or governing Body, or Local Board of Health, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners:

In any Place within which there is no such Council, Body Corporate, or governing Body, Local Board of Health, Body of Trustees, or Commissioners, and where there is or shall be a Board for the Repair of the Highways of such Place, that Board:

In any Place where there is no such Council, Body Corporate, governing Body, Local Board of Health, Body of Trustees, or Commissioners, nor Highway Board, nor Board for Lighting and Watching, a Committee for carrying this Act into execution, by the Name of "The Nuisances Removal Committee," of which the Surveyor or Surveyors of Highways for the Time being of such Place shall be ex officio a Member or Members, may be annually chosen by the Vestry on the same Day as the Overseers or Surveyors of Highways, and the First of such Committees may be chosen at a Vestry to be specially held for that Purpose; and such

such Committee may consist of such Number of Members as the Vestry shall determine, not being more than Twelve, exclusive of such Surveyor or Surveyors, and of such Committee Three shall be a Quorum:

In any Place wherein there is no such Council, Body Corporate, or governing Body, Local Board of Health, Body of Trustees or Commissioners, Highway Board or Committee appointed as aforesaid, and wherein there is or shall be a Board of Inspectors for Lighting and Watching under the Act 3 & 4 W. 4. c. 90., that Board:

In any Place in which there is no such Council, Body Corporate, or governing Body, Local Board of Health, Body of Trustees, or Commissioners, nor Highway Board, nor Committee appointed as aforesaid, nor Board of Inspectors for Lighting and Watching, the Guardians of the Poor and the Surveyors of the Highways in and for such Place.

Filling up Vacancies.

IV. On any Vacancy in such Nuisances Removal Committee arising from Death, Change of Residence or otherwise, Notice shall be given by the Committee to the Churchwardens, who shall forthwith summon a Meeting of the Vestry, and fill up such Vacancy by Election; and until such Vacancy is filled up the remaining Members of the Committee may act in all respects as if their Number was complete.

Committee may be appointed.

V. The local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, in each particular Case, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf.

Execution of Act in Extra-parochial Places.

VI. In Extra-parochial Places not comprised within the Jurisdiction of any of the local Authorities aforesaid, and having a Population of not less than Two hundred Persons, the local Authority for the Execution of this Act shall be a Nuisances Removal Committee, elected annually by the Householders within the Extra-parochial Place:

The First Election of such Committee shall take place at a Meeting of such Householders summoned for that Purpose by the Churchwardens of the adjacent Place having the largest common Boundary with such Extra-parochial Place; and

Subsequent Elections shall be held annually on some Day in Easter Week at Meetings summoned by the Chairman of the local Authority for the Year preceding:

Extra-parochial Places not so comprised as aforesaid, and having a Population of less than Two hundred Persons, shall for the Purpose of this Act be attached to and form Part of the adjacent Place having the largest common Boundary with the Extra-parochial Place, and Notice of Vestry Meetings for the Election of a local Authority under and for the Purposes of this Act shall be given in such Extra-parochial Places, and the Householders within such Places may attend such Vestry Meetings, and vote on such Elections.

Expense of Execution of Act.

VII. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows; to wit,

Out of the Borough Fund or Borough Rate, where the local Authority is the Mayor, Aldermen, and Burgesses by the Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act; or in the City of London and the Liberties thereof, any Rates or Funds administered by the Commissioners of Sewers for the said City and Liberties;

Provided always, that in the City of Oxford and Borough of Cambridge such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable;

Out of General District Rates, where the local Authority is a Local Board of Health;

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act;

Out of Highway Rates, or any Fund applicable in aid or in lieu thereof, where the local Authority is a Highway Board, or a Nuisances Removal Committee;

Out of the Rates for Lighting and Watching, where the local Authority is a Board of Inspectors appointed for Lighting and Watching;

And if there be no such Rates or Funds, or if the local Authority be the Guardians and Surveyors of Highways, then out of the Rates or Funds applicable to the Relief of the Poor of the Parish

or Place wherein such Rates or Funds are collected or arise, if such Parish or Place be co-extensive with the District within which the Charges and Expenses are incurred, but if such Parish or Place be now or hereafter shall be partly comprised within and partly without the Limits of a Place where a local Authority exists or shall exist, all the Charges and Expenses incurred in the District comprising that Part of the Parish or Place which is without and excluded from such Limits shall be defrayed out of any Highway Rate or Rates, or any Funds applicable in lieu thereof, collected or raised within that Part of the Parish or Place which is without and excluded from the Limits of such Place where a local Authority exists or shall exist; and if there be more than One Highway Rate collected within such District, the local Authority shall settle the Proportion in which the respective Parties or Places liable thereto shall bear such Charges and Expenses; and if any Part of such excluded District be exempt from such Highway Rate or Rates, then all the Charges and Expenses incurred in the whole of that Part of the District which is excluded out of the Limits of a Place where the local Authorities exist or shall exist shall be defrayed out of any District Police Rate or other Rate which may by the Act 12 & 13 Vict. Cap. 65, be raised and assessed upon that Part of the Parish or Place which is excluded from the Limits of such Place where a local Authority exists or shall exist:

And when the local Authority has not Control of such Rates or Funds, the Officer or Person having the Custody or Control thereof shall pay over the Amount to the local Authority, on the Order of Two Justices, directed to such Officer or Person; and on Neglect or Refusal to pay the Sum specified in such Order for Six Days after the Service thereof, the same may, by Warrant under the Hands of the same or any Two Justices, be levied by Distress and Sale of the Goods and Chattels of the Officer or Person in default, and such Levy shall include the Costs of such Distress and Sale:

In Extra-parochial Places having a Population of not less than Two hundred Persons, out of a Rate assessed by the local Authority on all such Property in the Place as would be assessable to Highway Rate if such Rate were levied therein:

In Extra-parochial Places having a Population of less than Two hundred Persons, out of a similar Rate assessed by the Surveyor of Highways of the adjacent Place having the largest common Boundary with such Extra-parochial Place:

And

And the local Authority in the First Case, and the Surveyor of Highways in the Second, may levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of any Default in Payment thereof, and with the same Right of Appeal against the Amount of such Assessment reserved to the Person assessed, as are provided by the Law in force for the Time being with regard to Rates for the Repair of Highways.

Description of Nuisances abateable.

VIII. The Word "Nuisances" under this Act shall include—
Any Premises in such a State as to be injurious to Health:
Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit so foul as to be injurious to Health:
Any Animal so kept as to be injurious to Health:
Any Accumulation or Deposit injurious to Health:
Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Act, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer than is necessary for the Purposes of such Business or Manufacture, and that the best available Means have been taken for protecting the Public from Injury to Health thereby.

Local Authority to appoint sanitary Inspector. Remuneration.

IX. The local Authority shall, for the Purposes of this Act, appoint or employ, or join with other local Authorities in appointing or employing, an Inspector or Inspectors of Nuisances, and may appoint a convenient Place for his or their Office, and may allow to every such Person on account of his Employment a proper Salary or Allowance; and where local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance: Provided always, that where the local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

Notices of Nuisances to ground Proceedings of local Authority.

X. Notice of Nuisance may be given to the local Authority by any Person aggrieved thereby, or by any of the following Persons: Two or more Inhabitant Householders of the Parish or Place to which the Notice relates; the Relieving Officer of the Union or Parish; any Constable or any Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of

of Common Lodging Houses; and the local Authority may take Cognizance of any such Nuisance after Entry made as herein-after provided, or in conformity with any Improvement Act under which the Inspector has been appointed.

Power of Entry to local Authority or their Officer.

XI. The local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:—

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand require the Person having the Custody of the Premises to admit the local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, the local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, until the Nuisance shall have been abated, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables, under the Powers and for the Purposes of this Act.

For this Purpose the local Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is found, at all reasonable Hours, without Notice.

PART

PART II.

With regard to the Removal of Nuisances, be it enacted thus:

Proceedings by local Authority before Justices in the Case of Nuisances, recurrent or otherwise. Complaint: Summons: Hearing.

XII. In any Case where a Nuisance is so ascertained by the local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.

Justices Order for Abatement. Prohibitive Order against future Nuisance.

XIII. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify the Premises injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the injurious Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to carry away the injurious Accumulation or Deposit, or any or all of these Things (according to the Nature of the Nuisance), or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building, in the Judgment of the Justices, unfit

unfit for Human Habitation, they may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Penalty for Contravention of Order of Abatement; and of Prohibition.

XIV. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than Ten Shillings per Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding Twenty Shillings per Day during such contrary Action; and the local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made as herein-after provided.

Local Authority may enter and remove or abate Nuisance.

Appeal against Order of Prohibition.

XV. Any such Order of Prohibition may be appealed against as provided in this Act.

Appeal against Order of Abatement when structural Works are required of a Cost above 15*l*.

XVI. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works, and they may, before making their Order for Abatement, require the local Authority, within a Time to be specified by the Justices, to furnish them an Estimate of the Cost of the required Works; and in case the Cost of such Works for the Premises, or if there be several for any One of the Premises, will in the Judgment of the Justices exceed the Sum of Fifteen Pounds, they shall notify the same in the Order; and if within Seven Days from the Date thereof the Person on whom the Order is made shall have given Notice to the local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order until after the Determination of such Appeal, unless such Appeal cease to be prosecuted: Provided always, that there shall be no Appeal under this Section from the Decision

Decision of a Police Magistrate, unless the estimated Cost of the Works to be done shall exceed the Sum of Fifteen Pounds.

If Person causing Nuisance cannot be found, local Authority to execute Order at once.

XVII. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

Manure, &c. to be sold.

XVIII. Any Matter or Thing removed by the local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than Five Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing; and the Money arising from the Sale retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Matter or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XIX. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice or in obtaining an Order of Justices under this Act, or in carrying the same into effect under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or if the Order be made on the local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered in any County or Superior Court, or, if the local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous or unfounded, they may order the Payment by the local Authority or Person making the Complaint of the Costs incurred

incurred by the Person against whom the Complaint is made, or any Part thereof.

Proceedings before Justices to recover Expenses.

XX. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act as aforesaid, any Justice of the Peace, upon the Application of the local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within Fourteen Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.

Clause A. Surveyor of Highways to cleanse Ditches.

XXI. All Surveyors, District Surveyors, or Assistant Surveyors shall make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Water courses in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall thereby sustain, to be settled and paid in such Manner as the Damages for getting Materials in inclosed Lands or Grounds are directed to be settled and paid by the Law in force for the Time being with regard to Highways.

Open Ditches, &c. to be covered or improved.

XXII. Whenever any Ditch, Gutter, Drain, or Watercourse used or partly used for the Conveyance of any Water, Filth, Sewage, or other Matter from any House, Buildings, or Premises is a Nuisance within the Meaning of this Act, and cannot, in the Opinion of the local Authority, be rendered innocuous, without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority, shall and they are hereby required to lay down such Sewer or other Structure, and to keep the same in good and serviceable Repair; and they are hereby declared to have the same Powers as to entering Lands for the Purposes thereof, and to be entitled to recover the same Penalties in case of Interference, as are contained in the Sixty-seventh and Sixty-eighth Sections of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An

"Act

" Act for consolidating and amending the Laws relating to Highways " in England;" and such local Authority are hereby authorized and empowered to assess every House, Building, or Premises then or at any Time thereafter using for the Purposes aforesaid the said Ditch, Gutter, Drain, Watercourse, Sewer, or other Structure, to such Payment, either immediate or annual, or distributed over a Term of Years, as they shall think just and reasonable, and, after Fourteen Days Notice at the least left on the Premises so assessed, to levy and collect the Sum and Sums so assessed in the same Manner, and with the same Remedies in case of Default in Payment thereof, as Highway Rates are by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment reserved to the Person or Persons so assessed as by the Law for the Time being in force shall be given against any Rate made for the Repair of the Highways; and the Provisions contained in this Section shall be deemed to be Part of the Law relating to Highways in England: Provided always, that where such Ditch, Gutter, Drain, or Watercourse shall, as to Parts thereof, be within the Jurisdiction of different local Authorities, this Enactment shall apply to each local Authority only as to so much of the Works hereby required, and the Expenses thereof, as is included within the respective Jurisdiction of that Authority: Provided also, that such Assessment shall in no Case exceed a Shilling in the Pound on the Assessment to the Poor Rate, if any.

Penalty for causing Water to be corrupted by Gas-washings. (Gas Works Clauses Act, 1847.)

XXIII. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Courts within Six Months. (Gas Works Clauses Act.)

XXIV. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence. (Gas Works Clauses Act.)

XXV. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a Local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Penalty on Sale of unwholesome Meat, &c.

XXVI. The Inspector of Nuisances may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Nuisances arising in the Case of Trades, Businesses, Processes, or Manufactures.

XXVII. If any Candle House, Melting House, Melting Place, or Soap House, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the local Authority shall direct Complaint to be made before any Justice, who may summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or in whose Behalf the Work so complained of is carried on, and such Justices shall inquire into

into such Complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, or causes any Effluvia injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, and upon a Second Conviction for such Offence the Sum of Ten Pounds, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of Two hundred Pounds: Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance, or mitigating or preventing the injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal, and shall appeal accordingly: - Provided always, that the Provisions herein-before contained shall not extend or be applicable to any Place without the Limits of any City, Town, or populous District.

CLAUSE B. Reference to Superior Court at the Option of the Party complained against.

XXVIII. Provided also, That if, upon his Appearance before such Justices, the Party complained against object to have the Matter determined by such Justices, and enter into Recognizances, with sufficient Sureties, to be approved by the Justices, to abide the Event of of any Proceedings at Law or in Equity that may be had against him on account of the Subject Matter of Complaint, the local Authority shall thereupon abandon all Proceedings before the Justices, and shall forthwith take Proceedings at Law or in Equity in Her Majesty's Superior Courts for preventing or abating the Nuisance complained of.

CLAUSE C. On Certificate of Medical Officer to local Authority that House overcrowded, Proceedings may be taken to abate such overcrowding.

XXIX. Whenever the Medical Officer of Health, if there be one, or if none, whenever Two qualified Medical Practitioners shall certify to the local Authority that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants, and the Inhabitants shall consist of more than One Family, the local Authority shall cause Proceedings to be taken before the Justices to abate such overcrowding, and the Justices shall thereupon make such Order as they may think fit, and the Person permitting such overcrowding shall forfeit a Sum not exceeding Forty Shillings.

Local Authority to order Costs of Prosecutions to be paid out of the Rates. (T.I.C. Act.)

XXX. The local Authority may, within the Area of their Jurisdiction, direct any Prosecution to be taken under the Provisions of this Act, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Rates or Funds administered by them under this Act.

PART III.

And with regard to Procedure under this Act, be it enacted, That

Service of Notices, Summonses, and Orders.

XXXI. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.

Proof of Resolutions of local Authority.

XXXII. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Proceedings taken against several Persons for the same Offence.

XXXIII. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act or Default of such Persons, it shall be lawful for the local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more joint Owners or Occupiers may be proceeded

XXXIV. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable jointly or in common

common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

against alone. N. R. & D. P. Act, 1848, s. 18.

XXXV. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Unnecessary to describe Owners or Occupiers by Name in certain Cases. N. R. & D. P. Act, 1848, s. 19.

XXXVI. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding Five Pounds.

Penalty for obstructing Execution of Act. N. R. & D. P. Act, 1848, s. 16.

XXXVII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within Twenty-four Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Non-compliance.

Penalty on Occupier obstructing Owner. N. R. & D. P. Act, 1848, s. 16.

XXXVIII. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in England according to the Provisions of the Act of the Eleventh and Twelfth Years of the present Reign, Chapter Forty-three; and all Penalties recovered by the local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Recovery of Penalties and Expenses. N. R. & D. P. Act, 1848, s. 17. 11 & 12 Vict. c. 43.

XXXIX. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order, nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed or

Proceedings not to be quashed for Want of Form. N. R. & D. P. Act, 1848, s. 20.

or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in one Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

Appeals to Quarter Sessions. (Public Health Act s. 133.)

XL. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal unless within Fourteen Days after the making of the Order appealed against he give to the local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court, or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper, and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid; provided also, that in any Case of Appeal the Court of Quarter Sessions may, if they think fit, state the Facts specially for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of Queen's Bench.

Forms.

XLI. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Protection of local Authority and

XLII. The local Authority, and any Officer or Person acting under the Authority and in execution or intended Execution of this Act,

Act, shall be entitled to such Protection and Privilege in Actions and Suits, and such Exemption from personal Liability, as are granted to Local Boards of Health and their Officers by the Law in force for the Time being.

Officers in Cases of Action, &c. against them.

XLIII. Nothing in this Act shall be construed to impair, abridge, or take away any Power, Jurisdiction, or Authority which may at any Time be vested in any Commissioners of Sewers, or to take away or interfere with any Course of Proceedings which might be resorted to or adopted by such Commissioners if this Act had not passed, nor to impair any Power of abating Nuisances at Common Law, nor, except as provided by the following Section, any Jurisdiction in respect of Nuisances that may be possessed by any Authority under the Act intituled "An Act to abate the Nuisances arising "from the Smoke of Furnaces in the Metropolis, and from "Steam Vessels above London Bridge," or the Common Lodging Houses Acts, the Act for the Regulation of Municipal Corporations, the Public Health Act, or any Improvement Act respectively, or any Acts incorporated with such Acts, and Authorities may respectively proceed for the Abatement of Nuisances, or in respect of any other Matter or Thing herein-before provided or referred to, either under the Acts mentioned in this Section or any other Act conferring Jurisdiction in respect of the Nuisances referred to in this Act, or any Byelaws framed under any such Act, as they may think fit; and the local Authorities constituted under and for the Purposes of the Common Lodging House Acts, 1851 and 1853, shall for the Purposes of those Acts have all the Powers of local Authorities under this Act.

Act not to impair Jurisdiction of Sewers Commissioners, or Common Law Remedies for Nuisance, nor Jurisdiction of local Authority as to the Nuisances referred to in this Act.

XLIV. From and after the passing of this Act so much of the Act firstly referred to in the preceding Section as subjects to Proceedings or Penalties thereunder any Person who shall after the First Day of August One thousand eight hundred and fifty-four within the Metropolis carry on any Trade or Business which shall occasion any noxious or offensive Effluvia, or otherwise annoy the Neighbourhood or Inhabitants, without using the best practicable Means for preventing or counteracting the same, is repealed.

Repeals so much of 16 & 17 Vict. c. 128. as relates to Trades, &c. causing offensive Effluvia.

XLV. Nothing herein contained shall enable any local Authority, Surveyor of Highways, or other Person, either with or without any Order of Justices, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal.

Act not to affect Navigation of Rivers or Canals.

Short Title.

XLVI. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal Act for England, 1855."

SCHE-

SCHEDULE OF FORMS.

Form (A.)

Order of Justices for Admission of Officer of local Authority to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal Act, 1855, viz. [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Now, therefore, I the said *A.B.* do hereby require you to admit the said [*name the local Authority*], [or the Officer of the said (*local Authority*)], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the local Authority (*describing it*).

I [*or* We], the Person aggrieved by the Nuisance herein-after described [*or* the undersigned and described Inhabitant Householders, Inspector of Nuisances, *or other Officer* (*describing him*)], do hereby give you Notice, That there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*], situate at [*giving such Description as may be sufficient to indetify the Premises*], in the Parish of in your District, under the Nuisances Removal Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* a Dwelling House or Building injurious to Health for Want of a Privy *or* Drain *or* sufficient Means of Ventilation, *or* so dilapidated *or* so filthy as to be injurious to Health, *or, for further instance,* a Ditch *or* Drain so foul as to be injurious to Health, *or* an Accumulation of injurious to Health, *&c., or*

Swine so kept as to be injurious to Health]; and that such Nuisance is caused by [*naming the Person by whose Act or Default the Nuisance is caused, or* by some Person unknown].

Dated this Day of in the Year of our Lord One thousand eight hundred and

[*Signed by Complainant under Section* 10.]

FORM (C.)

Notice to Owner or Occupier, of Entry for Examination.

To the Owner [*or* Occupier, *as the Case may be,*] of [*describe the Premises situate at*] [*insert a Description sufficient to identify the Premises*].

TAKE notice, That under the Nuisances Removal Act, 1855, the [*local Authority naming it,*] in whose District under the said Act the above Premises are situate, have received a Notice from [*name Complainant*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our Lord One thousand eight hundred and

A.B.,
The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal Act, 1855.

FORM

FORM (D.)

Summons.

To the Owner *or* Occupier of [*describe Premises*] situate at [*insert such a Description as may be sufficient to identify the Premises*], *or* to *A.B.* of .

County of [*or* Borough of *&c. or* District of *or as the Case may be*] to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority, as the Case may be*], that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal Act, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused by the Act or Default of the Occupier [*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say*, there existed recently, to wit, on or about the Day of on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction*] stated in the Margin, *or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of Day of in the Year of our Lord One thousand eight hundred and

FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [*or* Occupier] of [*describe the Premises*] situate [*give such Description as may be sufficient to identify the Premises*], *or* to *A.B.* of or to [*giving Name of the local Authority*], or to their Servants or Agents, and to all whom it may concern.

County of
[*or* Borough, *&c.* of
or
District of
or as the Case may be.]

WHEREAS on the Day of Complaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [*or other Jurisdiction*] stated in the Margin, [*or* before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be,*] by [*or* by on behalf of] [*the local Authority, naming it, as the Case may be*], that in or upon certain Premises situate at in the District under the Nuisances Removal Act, 1855, of the Complainants above named, the following Nuisance then existed [*describing it*]; and that the said Nuisance was caused by the Act or Default of the Owner [*or* Occupier] of the said Premises [*or* was caused by *A.B.*] (*If the Nuisance have been removed say,* the following Nuisance existed on or about [*the Day the Nuisance was ascertained to exist*], and that the said Nuisance was caused, *&c.*, and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)

And whereas the Owner [*or* Occupier] within the Meaning of the said Nuisances Removal Act, 1855, [*or* the said *A.B.*,] hath this Day appeared before us Justices, being Two of Her Majesty's Justices in and for , sitting in Petty Sessions at their usual Place of Meeting [*or* before me, the said Magistrate of the Police Courts of the Metropolis, *or, as the Case may be*], to answer the Matter of the said Complaint [*Or in case the Party charged do not appear, say,* And whereas it hath been this Day proved to our [*or* my] Satisfaction that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Premises [*or* the said *A.B.*] to appear this Day before us [*or* me] hath been duly served according to the said Act:

Now upon Proof here had before us [*or* me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused by the Act or Default of the Owner [*or* Occupier] of the said

said Premises [*or* by the said *A.B.*,] we [*or* I], in pursuance of the said Act, do order the said Owner [*or* Occupier, *or A.B.*] within [*specify the Time*] from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance,* to cleanse, whitewash, purify, and disinfect the said Dwelling House; *or, for further instance,* to construct a Privy or Drain, *&c.*; *or, for further instance,* to cleanse or to cover or to fill up the said Cesspool, *&c.*], so that the same shall no longer be injurious to Health as aforesaid.

[*And if it appear to the Justices that the Nuisance is likely to recur on the Premises say* [And we] [*or* I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [*or* Occupier, *or A.B.*,] from [*here insert the Matter of the Prohibition, as, for instance,* from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [*or* if the above Order of Prohibition be infringed,] then we [*or* I] do authorize and require you the said [*local Authority, naming it*], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit, [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace in and for [*or* the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], this Day of in the Year of our Lord One thousand eight hundred and .

FORM (F.)

Order of Justices for Removal of Nuisance by local Authority.

To the Town Council, *&c.*, *as the Case may be.*

County, *&c.* to wit, } WHEREAS [*recite Complaint of Nuisance as in last Form*].

And whereas it hath been now proved to our [*or* my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known *or* can be found [*as the Case may be*]: Now we [*or* I], in pursuance of the said Act, do order the said [*local Authority, naming it,*] forthwith to [*here specify the Works to be done*].

Given, *&c.*

FORM (G.)

Order to permit Execution of Works by Owners.

County of [*or* Borough of *or* Metropolitan Police District, *or as the Case may be,*] to wit. } WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*, *or* One of Her Majesty's Justices of the Peace, *as the Case may be*, of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal Act, 1855," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate at [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D.* [*here describe the Act of Prevention generally according to the Circumstances; for instance thus,* doth refuse to quit the said House, the same having by the Order of Justices been declared unfit for Human Habitation, *or* doth prevent the said *A.B.* from cleansing *or* whitewashing *or* purifying the said Dwelling House, *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a Drain, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, *or* Ashpit injurious to Health]: And whereas the said *C.D.* has been summoned to answer the said Complaint, and has not shown sufficient Cause against the same, and it appears to

to me that [*describe the Act or Works to be done*] is necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

E.F. (L.S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.

To [*describe the Person from whom the Costs, Expenses, and Penalties are due*].

County of
or Borough of
or District of
to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority*], that the Sum of Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [*describe the Nuisance*], and an Order of [*describe the Person making the Order*] duly made in pursuance of The Nuisances Removal Act, 1855, [*if Penalties are due, add,* and also the Sum of being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J. P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of] the Day of in the Year of our Lord One thousand eight hundred and

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FORM (I.)

Order for Payment of Costs, Expenses, and Penalties. Sec. 20.

To [*name the Person on whom the Order is made*].

County, &c. to wit. } WHEREAS Complaint has been made before us [*or* me] for that [*recite Cause of Complaint.*]

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or* before me the said Magistrate of the Police Courts of the Metropolis, *or as the Case may be,*] to answer this Matter of the said Complaint: [*or, in case the Party charged do not appear, say*],

And whereas it has been this Day satisfactorily proved to us [*or* me that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [*or* me] this Day hath been duly served according to the said Act: Now, having heard the Matter of the said Complaint, we [*or* I] do adjudge the said [*naming the Person charged*] to pay forthwith [*or* by Instalments of payable respectively on or before the] to the said [*naming the Person or local Authority to whom the Costs adjudged are payable*], the Sum of for Costs in this Behalf, and to [*naming the Person or Authority to whom the Expenses are payable*] the Sum of for Expenses in this Behalf, [*if Penalties are due, add,* and the Sum of for Penalties incurred in relation to the Premises,] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to [*or,* if any One of the said Instalments] be not paid within Fourteen Days after the same is due as aforesaid, we [*or* I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said , and in default of sufficient Distress in that Behalf, adjudge the said to be imprisoned in the Common Gaol [*or* House of Correction, *as the Case may be,*] at in the said County [*or, as the Case may be,*] for the Space of such Time not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [*or* Sum], and all Costs and Charges of the said Distress [and of the Commitment and carrying of the said to the said House of Correction *or* Common Gaol, *or, as the Case may be,*] shall be sooner paid.

Given under our [*or* my] Hands, this Day of in the Year of our Lord One thousand eight hundred and at in the [County, *or, as the Case may be,*] aforesaid.

FORM

FORM (K.)

Warrant of Distress. Sec. 20.

To the Constable of and to all other Peace Officers in the said County [*or as the Case may be*].

WHEREAS on last past Complaint was made before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of [*or as the Case may be*] [*or* a Magistrate of the Police Courts of the Metropolis, *or* Stipendiary Magistrate, *as the Case may be*] for that [*&c. as in the Order*]; and thereupon having considered the Matter of the said Complaint, we [*or* I] adjudged the said [*set out from Form K. the Adjudication of Payment, and the Order for Distress and for Imprisonment in default of Distress*]: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said hath not paid the same or any Part thereof within Fourteen Days after the Date fixed by the Order for such Payment, but therein hath made Default: These are therefore to command you in Her Majesty's Name forthwith to make Distress of the Goods and Chattels of the said *A.B.;* and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale over to the Clerk of the Justices of the Peace for the Division of in the said [County, *or as the Case may be*], that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said ; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our [*or* my] Hands and Seal, this Day of in the Year of Our Lord One thousand eight hundred and at in the [County] aforesaid.

A.B.
C.D.

(L.S.)

FORM (L.)

Return of Proceedings under Nuisances Removal Act, 1855, *by the* [name the local Authority at length].

From 25th March 1855 *to 25th March* 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks:—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, without Justices Order.	Several Houses being in a like Position, the Highway Surveyor laid down a Sewer in the old Watercourse, and each House was charged a proportionate Sum for the same, of which the highest Sum was 10*s*.
18 April -	Two Neighbours	Offensive Cesspool.	Abated by local Authority.	Renewed once; but Penalty recovered, and no subsequent Renewal attempted.

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the local Authority.*]

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE AND ON RE-COMMITMENT]

To consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849.

(*Prepared and brought in by Sir Benjamin Hall, Viscount Palmerston, and Sir William Molesworth.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1855.

[Bill 241.]

Under 5 oz.

Nuisances Removal, &c. (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble refers to 11 & 12 Vict. c. 123. and 12 & 13 Vict. c. 111. Nuisances Removal and Diseases Prevention Acts; and
Section 1. repeals those Acts, saving Proceedings in progress, Orders issued, &c.
Sect. 2. Interpretation of Act.

PART I.—*Constitution of local Authority, Expenses of executing the Act, Description of Nuisances, Notice of Nuisance, and Powers of Entry.*

Sect. 3. Local Authorities to execute Act.
Sect. 4. Committee of local Authority may be appointed.
Sect. 5. Expenses of executing the Act.
Sect. 6. Description of Nuisances to be abated.
Sect. 7. Inspector of Nuisances to be appointed.
Sect. 8. Notice of Nuisances to ground Proceedings of local Authority.
Sect. 9. Powers of Entry for local Authority or their Officers.

PART II.—*Removal of Nuisances.*

Sect. 10. Proceedings of local Authority before Justices.
Sect. 11. Order of Justices for Abatement and Prohibition.
Sect. 12. Consequences of Disobedience to Order.
Sect. 13. Appeal against Order of Prohibition.
Sect. 14. Appeal against Order of Abatement when structural Works are required.
Sect. 15. Where Person committing Nuisance cannot be found, local Authority to execute Order at once.
Sect. 16. Matter causing Nuisance to be sold.
Sect. 17. Expenses of Works charged to Person on whom Order made, or on Premises, and recoverable in County Court or before Justices.

Sect. 18. Proceedings before Justices to recover Expenses and Penalties.
Sect. 19. Penalty for causing Water to be corrupted by Gas-washings.
Sect. 20. Penalty to be sued for in Superior Courts within Six Months.
Sect. 21. Daily Penalty during the Continuance of the Offence.
Sect. 22. Penalty on Sale of unwholesome Meat, &c.
Sect. 23. Justices may order Nuisances from offensive Trades or Processes to be abated.
Sect. 24. Trial by Jury at Quarter Sessions.
Sect. 25. Local Authority to order Costs of Prosecutions to be paid out of the Rates.
Sect. 26. Penalties on local Authority for Neglect of Duty under this Act.
Sect. 27. Local Authority to furnish Returns.

PART III.—*Procedure.*

Sect. 28. Service of Notices, Summonses, and Orders.
Sect. 29. Proof of Resolutions of local Authority.
Sect. 30. Proceedings against several Persons in respect of One Nuisance.
Sect. 31. One or more joint Owners or Occupiers may be proceeded against alone.
Sect. 32. Unnecessary to describe Owners or Occupiers by Name in certain Cases.
Sect. 33. Penalty for obstructing Execution of Act.
Sect. 34. Penalty on Occupier obstructing Owner.
Sect. 35. Recovery of Penalties and Expenses.
Sect. 36. Proceedings not to be quashed for Want of Form.
Sect. 37. Appeal to Quarter Sessions.
Sect. 38. Forms.
Sect. 39. Constables to aid in executing Act.
Sect. 40. Saving Jurisdiction as to Nuisances.

PART IV.—*Prevention or Mitigation of Diseases.*

Sect. 41. Issue and Publication of Orders in Council for Prevention or Mitigation of epidemic Disease.
Sect. 42. Poor Law Commissioners may issue Regulations under Order in Council.

Sect. 43. Local Authority to see to the Execution of the Regulations and Directions.

Sect. 44. Local Authority may direct Prosecutions.

Sect. 45. Orders of Council, Directions and Regulations of the Poor Law Commissioners, to be laid before Parliament.

Sect. 46. When Order in Council in force, over-crowded Houses to come under Common Lodging Houses Act.

Sect 47. Order in Council to extend to Parts of Sea within Admiralty Jurisdiction.

Sect. 48. Remuneration to Medical Practitioners for Services under Directions and Regulations of the Poor Law Commissioners.

Sect. 49. Authentication of Directions and Regulations of the Poor Law Commissioners.

Sect. 50. Short Title of Act.

SCHEDULES.

List of Forms.

Form (A.) Order of Justices for Admission of Officer of Local Board to inspect private Premises.

„ (B.) Notice of Nuisance.

„ (C.) Notice to Owner or Occupier of Entry for Examination.

„ (D.) Summons.

„ (E.) Order of Justices for Removal of Nuisances by Owner, &c.

„ (F.) Order of Justices for Removal of Nuisances by local Authority.

„ (G.) Order to permit Execution of Works by Owners.

„ (H.) Summons for Nonpayment of Costs, Expenses, or Penalties. Sect. 24.

„ (I.) Order for Payment of Costs, Expenses, and Penalties. Sect. 24.

„ (K.) Warrant of Distress. Sect. 24.

„ (L.) Return of Proceedings under this Act.

(Ireland.)

A

BILL

TO

Consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849, so far as they relate to Ireland.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts as far as relates to Ireland, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts repealed for Ireland. Saving Proceedings in progress.

I. From and after the passing of this Act, the said Acts are by this Section repealed, as far as relates to Ireland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders of the Lord Lieutenant and Council in Ireland, and all Directions and Regulations issued, and all Appointments of Officers and Persons made, and all Contracts or Works undertaken

by virtue of the said Acts shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation of Words.

II. In this Act the following Words and Expressions have the Meanings by this Section herein-after assigned to them, unless such Meanings be repugnant to or inconsistent with the Context; (that is to say,) the Word "Place" includes any City, Borough, Electoral Division, District, or Townland, or Part of any such City, Borough, Electoral Division, District, or Townland; the Word "Owner" includes any Person receiving the Rents of the Property in respect of which that Word is used from the Occupier of such Property, on his own Account, or as Trustee or Agent for any other Person, or as Receiver or Sequestrator appointed by the Court of Chancery or under any Order thereof, or who would receive the same if such Property were let to a Tenant, or as Agent of any Property, duly authorized in that Behalf by the Person in the Enjoyment of the Rents by Writing under his Hand; the Word "Premises" extends to all Messuages, Lands, or Tenements, whether open or inclosed, whether built on or not, and whether public or private; the Expression "Quarter Sessions" means the Court of General or Quarter Sessions of the Peace for a County, Riding, or Division of a County, or for a County of a City or County of a Town; the Word "Person," and Words applying to any Person or Individual, apply to and include Corporations, whether aggregate or sole; and the Expression "Two Justices" shall, in addition to its ordinary Signification, mean One Stipendiary or Police Magistrate acting in any Police Court for the District.

PART I.

Constitution of local Authority, Expenses, Description of Nuisances, and Powers of Entry.

And with respect to the Constitution of the local Authority for the Execution of this Act, the Expenses of its Execution, the Description of Nuisances that may be dealt with under it, and the Powers of Entry for the Purposes of the Act, be it enacted thus:

Local Authority to execute Act.

III. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated:

In any City, Town, or Borough where a Town Council exists, the Town Council; or wherever the Act of the Ninth George the Fourth, Chapter Eighty-two, is in force, the Commissioners elected for the Purposes of that Act; or wherein the Towns Improvement Act, Ireland, 1854, is in force, the Commissioners elected for the Purposes of that Act:

In any Town, Townland, or Place in which there is no such Town Council or Commissioners, the Board of Guardians of the Union comprising such Town, Townland, or Place.

IV. The

Committee may be appointed.

IV. The local Authority may appoint any Committee of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority or their Committee may, by Order in Writing under the Hand of the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf: Provided, that when the Board of Guardians of any Union is the local Authority, the Committee for any Town, Townland, or Place shall be the Committee of Management for the Dispensary District comprising such Town, Townland, or Place.

Expense of Execution of Act.

V. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as by this Act provided, may be defrayed as follows; to wit,

Out of the Borough Fund or Borough Rate, where the local Authority is a Town Council, or if there be an Improvement Act for the Borough administered by the Council, then out of Rates levied thereunder applicable to the Purposes of such Improvement Act:

Out of the Rates levied for the Purposes of the Statute of the Ninth George the Fourth, Chapter Eighty-two, or the Towns Improvement Act, where Commissioners are the local Authority:

Out of the Poor Rates, where the local Authority is a Board of Guardians:

And when such Charges and Expenses are defrayed out of the Poor Rate, the same shall be charged to the Union, or to such Electoral Division or Electoral Divisions thereof, as the Circumstances of the Case may require, or as the Commissioners for administering the Laws for Relief of the Poor in Ireland shall in each Case direct.

Description of Nuisances abateable.

VI. The Word "Nuisances" under this Act shall include—

Any Premises in such a State as to be injurious to Health:

Any Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, so foul as to be injurious to Health:

Any Animal so kept as to be injurious to Health:

Any Accumulation or Deposit injurious to Health:

Provided always, that no such Accumulation or Deposit as shall be necessary for the effectual carrying on of any Business or Manufacture shall be punishable as a Nuisance under this Act, when it is proved to the Satisfaction of the Justices that the Accumulation or Deposit has not been kept longer than is necessary for the Purposes of such Business or Manufacture, and that the best available Means have

have been taken for protecting the Public from Injury to Health thereby.

Local Authority to appoint sanitary Inspector. Remuneration.

VII. The local Authority shall, for the Purposes of this Act, appoint or employ, or join with other local Authorities in appointing or employing, an Inspector or Inspectors of Nuisances, and may appoint a convenient Place for his or their Office, and may allow to every such Person on account of his Employment a proper Salary or Allowance; and where local Authorities join in such Appointment or Employment they may apportion among themselves the Payment of such Salary or Allowance; and where the local Authority making such Appointment, or joining with other local Authorities in making such Appointment, is a Board of Guardians, the Salary or Allowance, or such Portion thereof as shall be payable by the Board of Guardians, shall be charged as follows: Where the District comprises the entire Union, to the Common Fund of the said Union; where the District for which the Board of Guardians are concerned in the Appointment comprises more than One Electoral Division of the Union, to such Electoral Divisions respectively in the Proportion of their net annual Value; and where such last-mentioned District comprises a single Electoral Division, to such Electoral Division: And such Appointment shall be subject, in regard to such Salary or Allowance, and the proportionate Contribution of Electoral Divisions thereto and the Qualification, Continuance in Office, Duties, and Accountability of the Officers, when appointed by the Board of Guardians to the Control of the Commissioners for administering the Laws for Relief of the Poor in Ireland: Provided always, that where the local Authority has already appointed an Officer who executes the Duties of such Inspector under any Improvement Act, it shall not be necessary to appoint any other Inspector under this Act, but the Inspector acting in execution of the Improvement Act shall have all the Powers, Authorities, and Privileges granted to any Inspector appointed under this Act.

Notices of Nuisances to ground Proceedings of local Authority.

VIII. Notice of Nuisance may be given to the local Authority by any Person aggrieved thereby, or by any of the following Persons: Two or more Inhabitant Householders of the Town, Townland, or Place to which the Notice relates; the Relieving Officer of the Union or Electoral Division; any Constable or any Officer of the Constabulary or Police Force of the District or Place; and in case the Premises be a Common Lodging House, any Person appointed for the Inspection of Common Lodging Houses: And the local Authority may take cognizance of any such Nuisance, after Entry made as herein-after provided, or in conformity with any Improvement Act under which the Inspector has been appointed.

IX. The

IX. The local Authority shall have Power of Entry for the following Purposes of this Act, and under the following Conditions:— Power of Entry to local Authority or their Officer.

1. To ground Proceedings.

For this Purpose, when they or any of their Officers have reasonable Grounds for believing that a Nuisance exists on any private Premises, Demand may be made by them or their Officer, on any Person having Custody of the Premises, of Admission to inspect the same, at any Hour between Nine in the Morning and Six in the Evening; and if Admission be not granted, any Justice having Jurisdiction in the Place may, on Oath made before him of Belief in the Existence of the Nuisance, and after reasonable Notice of the intended Application to such Justice being given in Writing to the Party on whose Premises the Nuisance is believed to exist, by Order under his Hand, require the Person having the Custody of the Premises to admit the local Authority or their Officer; and if no Person having Custody of the Premises can be discovered, any such Justice may and shall, on Oath made before him of Belief in the Existence of such Nuisance, and of the Fact that no Person having Custody of the Premises can be discovered, by Order under his Hand authorize the local Authority or their Officers to enter the Premises between the Hours aforesaid.

2. To examine Premises where Nuisances exist, and to execute or inspect Works ordered by Justices to be done under this Act.

For these Purposes, whenever, under the Provisions of this Act, a Nuisance has been ascertained to exist, or when an Order of Abatement or Prohibition under this Act has been made, the local Authority may enter on the Premises, by themselves or their Officers, between the Hours aforesaid, until the Nuisance shall have been abated, or the Works ordered to be done shall have been completed, as the Case may be.

3. To remove or abate a Nuisance in case of Noncompliance with or Infringement of the Order of Justices, or to inspect or examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables under the Powers and for the Purposes of this Act.

For this Purpose the local Authority or their Officer may from Time to Time enter the Premises where the Nuisance exists, or the Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is found, at all reasonable Hours, without Notice.

PART II.

With regard to the Removal of Nuisances, be it enacted thus:

Proceedings by local Authority before Justices in the Case of Nuisances, recurrent or otherwise.

Complaint:

Summons:

Hearing.

X. In any Case where a Nuisance is so ascertained by the local Authority to exist, or where the Nuisance in their Opinion did exist at the Time when the Notice was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated on the same Premises or any Part thereof, they shall cause Complaint thereof to be made before a Justice of the Peace; and such Justice shall thereupon issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises or continues, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before any Two Justices, in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint; and if it be proved to their Satisfaction that the Nuisance exists, or, if removed or discontinued since the Notice was given, that it is likely to recur or to be repeated, the Justices shall make an Order in Writing under their Hands and Seals on such Person, Owner, or Occupier for the Abatement or Discontinuance and Prohibition of the Nuisance as herein-after mentioned, and shall also make an Order for the Payment of all Costs incurred up to the Time of hearing or making the Order for Abatement or Discontinuance or Prohibition of the Nuisance.

Justices Order for Abatement.

Prohibitive Order against future Nuisance.

XI. By their Order the Justices may require the Person on whom it is made to provide sufficient Privy Accommodation, Means of Drainage or Ventilation, or to make safe and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Premises injurious to Health, or such Part thereof as the Justices may direct in their Order, or to drain, empty, cleanse, fill up, amend, or remove the injurious Pool, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to carry away the injurious Accumulation or Deposit, or any or all of these Things, (according to the Nature of the Nuisance,) or to do such other Works or Acts as are necessary to abate the Nuisance complained of, in such Manner and within such Time as in such Order shall be specified; and if the Justices are of opinion that such or the like Nuisance is likely to recur, the Justices may further prohibit the Recurrence of it, and direct the Works necessary to prevent such Recurrence, as the Case may in the Judgment of such Justices require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Justices unfit for Human Habitation, they may prohibit

prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Justices, and on their being satisfied that it has been rendered fit for such Purpose they may determine their previous Order by another declaring such House habitable, from the Date of which other Order such House may be let or inhabited.

Penalty for Contravention of Order of Abatement; and of Prohibition.

XII. Any Person not obeying the said Order for Abatement shall, if he fail to satisfy the Justices that he has used all due Diligence to carry out such Order, be liable for every such Offence to a Penalty of not more than *Ten Shillings* per Day during his Default; and any Person knowingly and wilfully acting contrary to the said Order of Prohibition shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such contrary Action; and the local Authority may, under the Powers of Entry given by this Act, enter the Premises to which the Order relates, and remove or abate the Nuisance condemned or prohibited, and do whatever may be necessary in execution of such Order, and charge the Cost to the Person on whom the Order is made as herein-after provided.

Local Authority may enter and remove or abate Nuisance.

Appeal against Order of Prohibition.

XIII. Any such Order of Prohibition may be appealed against as provided in this Act.

Appeal against Order of Abatement when structural Works are required of a Cost above 15*l.*

XIV. When it shall appear to the Justices that the Execution of structural Works is required for the Abatement of a Nuisance, they may direct such Works to be carried out under the Direction or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of such Works, and they may, before making their Order for Abatement, require the local Authority, within a Time to be specified by the Justices, to furnish them an Estimate of the Cost of the required Works; and in case the Cost of such Works for the Premises, or, if there be several, for any One of the Premises, will in the Judgment of the Justices exceed the Sum of Fifteen Pounds, they shall notify the same in the Order; and if within *Seven* Days from the Date thereof the Person on whom the Order is made shall have given Notice to the local Authority of his Intention to appeal against it as provided in this Act, and shall have entered into Recognizances to try such Appeal as provided by this Act, and shall appeal accordingly, no Liability to Penalty shall arise, nor shall any Work be done nor Proceedings taken under such Order until after the Determination of such Appeal, unless such Appeal cease to be prosecuted: Provided always, that there shall be no Appeal under this Section from the

Decision of a Police Magistrate, unless the estimated Cost of the Works to be done shall exceed the Sum of *Fifteen Pounds*.

If Person causing Nuisance cannot be found, local Authority to execute Order at once.

XV. Whenever it appears to the Satisfaction of the Justices that the Person by whose Act or Default the Nuisance arises, or the Owner or Occupier of the Premises, is not known or cannot be found, then such Order may be addressed to and executed by such local Authority, and the Cost defrayed out of the Rates or Funds applicable to the Execution of this Act.

Manure, &c. to be sold.

XVI. Any Matter or Thing removed by the local Authority in pursuance of this Enactment may be sold by Public Auction, after not less than *Five* Days Notice by Posting Bills distributed in the Locality, unless in Cases where the Delay would be prejudicial to Health, when the Justices may direct the immediate Removal, Destruction, or Sale of the Matter or Thing, and the Money arising from the Sale retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Matter or Thing.

Costs and Expenses of Works to be paid by Person on whom Order is made, or Owner or Occupier.

XVII. All reasonable Costs and Expenses from Time to Time incurred in making a Complaint, or giving Notice, or in obtaining an Order of Justices, under this Act, or in carrying the same into effect, under this Act, shall be deemed to be Money paid for the Use and at the Request of the Person on whom the Order is made; or if the Order be made on the local Authority, or if no Order be made, but the Nuisance be proved to have existed when the Complaint was made or the Notice given, then of the Person by whose Act or Default the Nuisance was caused; and in case of Nuisances caused by the Act or Default of the Owner of Premises, the said Premises shall be and continue chargeable with such Costs and Expenses, and also with the Amount of any Penalties incurred under this Act, until the same be fully discharged, provided that such Costs and Expenses shall not exceed in the whole One Year's Rackrent of the Premises; and such Costs and Expenses and Penalties, together with the Charges of suing for the same, may be recovered in any Civil Bill or Superior Court, or, if the local Authority think fit, before any Two Justices of the Peace; and the said Justices shall have Power to divide such Costs, Expenses, and Penalties between the Persons by whose Act or Default the Nuisance arises, in such Manner as they shall consider reasonable; and if it appear to them that a Complaint made under this Act is frivolous or unfounded, they may order the Payment by the local Authority or Person making the Complaint of the Costs incurred

incurred by the Person against whom the Complaint is made, or any Part thereof.

Proceedings before Justices to recover Expenses.

XVIII. Where any Costs, Expenses, or Penalties are due under or in consequence of any Order of Justices made in pursuance of this Act as aforesaid, any Justice of the Peace, upon the Application of the local Authority, shall issue a Summons requiring the Person from whom they are due to appear before Two Justices at a Time and Place to be named therein; and upon Proof to the Satisfaction of the Justices present that any such Costs, Expenses, or Penalties are so due, such Justices, unless they think fit to excuse the Party summoned upon the Ground of Poverty or other special Circumstances, shall, by Order in Writing under their Hands and Seals, order him to pay the Amount to the local Authority at once, or by such Instalments as the Justices think fit, together with the Charges attending such Application and the Proceedings thereon; and if the Amount of such Order, or any Instalment thereof, be not paid within *Fourteen* Days after the same is due, the same may, by Warrant of the said or other Justices, be levied by Distress and Sale.

Penalty for causing Water to be corrupted by Gas Washings. (Gasworks Clauses Act, 1847.)

XIX. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of *Two hundred Pounds*.

Penalty to be sued for in Superior Courts within Six Months. (Gasworks Clauses Act.)

XX. Such Penalty may be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within *Six* Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence. (Gasworks Clauses Act.)

XXI. In addition to the said Penalty of *Two hundred Pounds* (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of *Twenty Pounds* (to be recovered in the like Manner) for each Day during which

which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of *Twenty-four* Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow, or whose Water shall be fouled thereby; and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

Penalty on Sale of unwholesome Meat, &c.

XXII. The Inspector of Nuisances may at all reasonable Times inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to a Justice that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables, so found.

Nuisances arising in the Case of Trades, Businesses, Processes, or Manufactures.

XXIII. If any Candle House, Melting House, Melting Place, or Soaphouse, or any Slaughter-house, or any Building or Place for boiling Offal or Blood, or for boiling, burning, or crushing Bones, or any Manufactory, Building, or Place used for any Trade, Business, Process, or Manufacture causing Effluvia, be at any Time certified to the local Authority by any Medical Officer, or any Two legally qualified Medical Practitioners, to be a Nuisance or injurious to the Health of the Inhabitants of the Neighbourhood, the local Authority shall direct Complaint to be made before any Justice, who may summon before any Two Justices in Petty Sessions assembled at their usual Place of Meeting the Person by or in whose Behalf the Work so complained of is carried on; and such Justices shall inquire into such Complaint, and if it shall appear to such Justices that the Trade or Business carried on by the Person complained against is a Nuisance, causes any Effluvia, which are injurious to the Health of the Inhabitants of the Neighbourhood, and that such Person shall not have used the best practicable Means for

abating

abating such Nuisance or preventing or counteracting such Effluvia, the Person so offending (being the Owner or Occupier of the Premises, or being a Foreman or other Person employed by such Owner or Occupier,) shall, upon a summary Conviction for such Offence, forfeit and pay a Sum of not more than *Five Pounds* nor less than *Forty Shillings*, and upon a Second Conviction for such Offence the Sum of *Ten Pounds*, and for each subsequent Conviction a Sum double the Amount of the Penalty imposed for the last preceding Conviction, but the highest Amount of such Penalty shall not in any Case exceed the Sum of *Two hundred Pounds:* Provided always, that the Justices may suspend their final Determination in any such Case, upon Condition that the Person so complained against shall undertake to adopt, within a reasonable Time, such Means as the said Justices shall judge to be practicable and order to be carried into effect for abating such Nuisance or mitigating or preventing the injurious Effects of such Effluvia, or shall give Notice of Appeal in the Manner provided by this Act, and shall enter into Recognizances to try such Appeal, and shall appeal accordingly.

Trial by Jury at Quarter Sessions.

XXIV. Provided also, That if before Conviction by Two such Justices the Party complained against desire to have the Matter tried by a Jury, and enter into a Recognizance to try such Matter without Delay, and to pay all Costs of Trial if a Verdict be found against him, then such Matter may be tried at the next practicable Court of Quarter Sessions, or whensoever the Court shall appoint; and thereupon it shall be lawful for the said Court of Quarter Sessions and they are hereby authorized and required to empannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, for the Purpose of trying such Matter, and to try such Matter by the said Jury; and if the said Court think fit, it shall be lawful for them and they are hereby empowered to authorize the said Jury to view the Place in question in such Manner as they shall direct, and to command the Attendance of such Jury, and of all Witnesses and Parties as shall be necessary or proper, until such Affairs for which they are summoned shall be concluded; and the said Jury shall inquire and try, and determine by their Verdict, whether the Effluvia in question be offensive or injurious, and whether the Party in question have adopted the best practicable Means for preventing or counteracting the offensive or injurious Effects of such Effluvia; and the said Court of Quarter Sessions shall give Judgment according to such Verdict, and may award to either of the Parties such Costs as they may deem reasonable; which Verdict, and the Judgment, Award, Order, or Determination thereupon, shall be binding and conclusive.

Summoning of a Jury.

View of the Premises.

Verdict of Jury.

Judgment according to Verdict;

and Judgment to be binding.

Local Authority to order Costs of Prosecutions to be paid out of the Rates. (T.I.C.Act.)

XXV. The local Authority may direct any Prosecution for any public Nuisance whatsoever, created, permitted, or suffered within the Area of their Jurisdiction, and may order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of such Prosecution or other Proceedings to be paid out of the Rates or Funds administered by them under this Act.

Penalties on local Authority for Neglect of Duty under this Act.

XXVI. In every Case where Notice of Nuisance has been given to the local Authority in conformity with this Act, and such local Authority have not within *Fourteen* Days after the Receipt of such Notice taken the Steps required by this Act, and the Nuisance still remains, on Information thereof, on the Oath of One credible Witness, given to any Justice of the Peace, it shall be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Inspector of Nuisances, the Officer of the local Authority empowered to make Complaints or take Proceedings under this Act, or any other Officer of the local Authority within whose Cognizance the Matter of Complaint may appear to such Justice to come, to appear before any Two Justices assembled as aforesaid; and the said Justices shall thereon inquire, in such Manner as they may think proper, into the alleged Neglect, and if they are of opinion that it is a Matter in which the local Authority are bound to proceed under this Act they may make an Order on the local Authority, limiting and appointing a Time for their so proceeding; and in default of their so proceeding within the Time so limited the Persons named in such Order as being in default shall forfeit and pay to some Person to be named and appointed therein a Penalty to be therein stated, not exceeding the Sum of *Five Pounds* on each Person; which Penalty, when recovered, shall be applied and expended in the Performance of the Duty neglected by the local Authority, according to the Order of the said Justices; and the Surplus, if any, shall be appropriated in aid of the Rate for the Relief of the Poor of the Union or of the Electoral Division, or in the Case of a Dispensary District of the several Electoral Divisions comprised therein, in proportion to their net annual Value.

Return of Proceedings.

XXVII. The local Authority shall in each Year make a Report containing an Account of Monies received and expended under this Act, with a Statement of the Steps taken by them in execution of this Act, (which may be in the Form L. in the Schedule to this Act,) of the Names of the local Authority, the Names and Addresses of their Officers, and of the Proceedings to be taken under this Act for the Removal of Nuisances, and shall cause Copies of such Return

to

to be printed and deposited with the Clerk of the Peace, and supplied on Application to any Persons assessed for the Relief of the Poor in their District, and may defray the Cost out of the Rates or Fund applicable in aid of this Act.

PART III.

And with regard to Procedure under this Act, be it enacted, That

Service of Notices, Summonses, and Orders.

XXVIII. Notices, Summonses, and Orders under this Act may be served by delivering the same to or at the Residence of the Persons to whom they are respectively addressed, and where addressed to the Owner or Occupier of Premises they may also be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served, by fixing the same upon some conspicuous Part of the Premises, or if the Person shall reside at a Distance of more than Five Miles from the Office of the Inspector then by a registered Letter through the Post.

Proof of Resolutions of local Authority.

XXIX. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

As to Proceedings taken against several Persons for the same Offence.

XXX. Where Proceedings under this Act are to be taken against several Persons in respect of One Nuisance caused by the joint Act, Default, Permission, or Sufferance of such Persons, it shall be lawful for the local Authority to include such Persons in One Complaint, and for the Justices to include such Persons in One Summons, and any Order made in such a Case may be made upon all or any Number of the Persons included in the Summons, and the Costs may be distributed as to the Justices may appear fair and reasonable.

One or more joint Owners or Occupiers may be proceeded against alone. N.R. & D.P. Act, 1848, s. 18.

XXXI. In case of any Demand or Complaint under this Act to which Two or more Persons, being Owners or Occupiers of Premises, or partly the one or partly the other, may be answerable, jointly or in common or severally, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Contribution in any Case in which they would now be entitled to Contribution by Law.

Unnecessary to describe Owners or Occupiers by Name in certain Cases. N.R. & D.P. Act, 1848, s. 19.

XXXII. Whenever, in any Proceeding under this Act, whether written or otherwise, it shall become necessary to mention or refer to the Owner or Occupier of any Premises, it shall be sufficient to designate him as the "Owner" or "Occupier" of such Premises, without Name or further Description.

Penalty for obstructing Execution of Act. N.R. & D.P. Act, 1848, s. 16.

XXXIII. Whoever refuses to obey an Order of Justices under this Act for Admission on Premises of the local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds*.

Penalty on Occupier obstructing Owner. N.R. & D.P. Act, 1848, s. 16.

XXXIV. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf shall by Order in Writing require such Occupier to desist from such Prevention, or to permit the Execution of the Works required to be executed, provided that such Works appear to such Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if withing *Twenty-four* Hours after the Service of such Order the Occupier against whom it is made do not comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Noncompliance.

Recovery of Penalties and Expenses. N.R. & D.P. Act, 1848, s. 17. 11 & 12 Vict. c. 43.

XXXV. Penalties imposed by this Act for Offences committed and Sums of Money ordered to be paid under this Act may be recovered by Persons thereto competent in Ireland according to the Provisions of the Act of the Fourteenth and Fifteenth Years of the present Reign, Chapter Ninety-three; and all Penalties recovered by the local Authority under this Act shall be paid to them, to be by them applied in aid of their Expenses under this Act.

Proceedings not to be quashed for Want of Form. N.R. & D.P. Act, 1848, s. 20.

XXXVI. No Order, nor any other Proceeding, Matter, or Thing done or transacted in or relating to the Execution of this Act, shall be vacated, quashed, or set aside for Want of Form, nor shall any Order nor any other Proceeding, Matter, or Thing done or transacted in relation to the Execution of this Act, be removed or removeable by Certiorari, or by any other Writ or Process whatsoever, into any of the Superior Courts; and Proceedings under this Act against several Persons included in one Complaint shall not abate by reason of the Death of any among the Persons so included, but all such Proceedings may be carried on as if the deceased Person had not been originally so included.

XXXVII. Appeals

XXXVII. Appeals under this Act shall be to the Court of Quarter Sessions held next after the making of the Order appealed against; but the Appellant shall not be heard in support of the Appeal, unless within Seven Days after the making of the Order appealed against he give to the local Authority Notice in Writing stating his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of Appeal, and shall within Two Days of giving such Notice enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the said Court, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Court or any Adjournment thereof; and the said Court, upon hearing and finally determining the Matter of the Appeal, may, according to its Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and its Determination in or concerning the Premises shall be conclusive and binding on all Persons to all Intents or Purposes whatsoever: Provided always, that if there be not Time to give such Notice and enter into such Recognizance as aforesaid, then such Appeal may be made to, and such Notice, Statement, and Recognizance be given and entered into for, the next Sessions at which the Appeal can be heard: Provided also, that on the Hearing of the Appeal no Grounds of Appeal shall be gone into or entertained other than those set forth in such Statement as aforesaid.

Appeal to Quarter Sessions. (Public Health Act, s. 133.)

XXXVIII. The Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, varied as Circumstances may require, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Forms.

XXXIX. Constables and Officers of the Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act.

Police Constables to aid in executing Act.

XL. Nothing in this Act shall be construed to impair, abridge, or take away any Power of abating Nuisances at Common Law, nor any Power, Jurisdiction, or Authority that may be possessed by the Council of any Borough, or by the Commissioners acting under the Statute, Ninth George the Fourth, Chaper Eighty-two, or "The Towns Improvement (Ireland) Act, 1854."

Act not to impair Common Law Remedies for Nuisance.

PART IV.

Prevention of Diseases.

And with respect to the Prevention and Mitigation of Diseases, be it enacted thus:

Privy Council empowered to issue Orders for Diseases Prevention Provisions. N. R. & D. P. Act, 1848, s. 9.

XLI. Whenever any Part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lord Lieutenant and Privy Council in Ireland may, by Order or Orders to be by them from Time to Time made, direct that the Provisions herein contained for the Prevention of Diseases be put in force in Ireland, or in such Parts thereof as in such Order or Orders respectively may be expressed, and may from Time to Time, as to all or any of the Parts to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six* Calendar Months, or for such shorter Period as in such Order shall be expressed; and every such Order of the Lord Lieutenant and Privy Council shall be certified under the Hand of the Clerk of the Privy Council in Ireland, and shall be published in the Dublin Gazette; and such Publication shall be conclusive Evidence of such Order to all Intents and Purposes.

Publication of such Orders. N. R. & D. P. Act, 1848, s. 15.

Poor Law Commissioners may issue Regulations to carry out such Provisions. N. R. & D. P. Acts, 1848, s. 10.

XLII. From Time to Time after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Commissioners for administering the Laws for Relief of the Poor in Ireland may issue Directions and Regulations as the said Board think fit—

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, guarding against the Spread of Disease, and affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such medical Aid and such Accommodation as may be required:

And from Time to Time, in like Manner, may revoke, renew, and alter any such Directions and Regulations as to the said Commissioners appears expedient; and such Directions and Regulations shall extend to all Parts in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts, and then to such Parts as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts.

Local Extent and Duration of the Regulations of Poor Law Commissioners. N. R. & D. P. Acts, 1848, s. 10.

XLIII. The

The local Authority to see to the Execution of the Regulations and Directions.

XLIII. The Boards of Guardians of Unions shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be necessary for mitigating such Disease, or for superintending or aiding in the Execution of such Directions, and Regulations, or for executing the same, as the Case may require, out of the Rates provided for the Relief of the Poor of the Union or Electoral Division, or in case of a Dispensary District, of the several Electoral Divisions comprised therein, according to the Circumstances of the Case, as the Commissioners for administering the Laws for Relief of the Poor in Ireland shall in each Case direct.

Local Authority may direct Prosecutions for violating Regulations. N. R. & D. P. Act, 1849, s. 4.

XLIV. The Boards of Guardians of Unions may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any such Direction and Regulation, and may defray the Expenses of such Prosecutions or Proceedings out of the Rates or Funds administered by them under this Act.

Orders of Council, Directions and Regulations of Board of Health, to be laid before Parliament. N. R. & D. P. Act, 1848, s. 15.

XLV. Every Order of the Lord Lieutenant and Privy Council of Ireland, and every Direction and Regulation of the Commissioners for administering the Laws for Relief of the Poor in Ireland, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen* Days next after the Commencement of the then next Session of Parliament.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Act.

XLVI. So long as any Order of the Lord Lieutenant of Ireland and Council for Ireland is in force in any Place, on the Certificate of an Inspector of Nuisances, a Medical Officer of any Union or Dispensary District, or *Two* duly qualified Medical Practitioners, that any House or Part of a House is so over-crowded as to be dangerous to Health, the local Authority, under the Common Lodging House Act, 1851, shall have Power to regulate the same House or Part of a House according to the Provisions of the Common Lodging House Acts, all the Provisions of which shall be applicable for that Purpose.

Order in Council to extend to Parts of Sea.

XLVII. Every Order of the Lord Lieutenant of Ireland, by and with the Consent of the Privy Council in Ireland, is hereby declared to extend, and all future Orders of the said Lord Lieutenant and Council for executing this Act shall and may extend, to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty; and the Commissioners for administering the Laws for Relief of the Poor in Ireland may issue under this Act Directions and Regulations for cleansing purifying, ventilating, and disinfecting, and providing

Medical Aid and Accommodation, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Remuneration to Medical Practioners for Services under the Directions and Regulations of the Poor Law Commissioners.

XLVIII. Whenever, in compliance with any Direction or Regulation of the General Board of Health, or Commissioners for administering the Laws for Relief of the Poor in Ireland, which they were or may be empowered to make under the Nuisances Removal and Diseases Prevention Acts or this Act, any Medical Officer of a Union or Dispensary District, or any other Medical Practitioner specially employed by the Guardians for the Purpose, shall perform any extra Medical Service in such Union or District, it shall and may be lawful for the Guardians of the Union to determine, subject to the Approval of the said Commissioners, and if they shall not approve the Amount determined by the Guardians, for the said Commissioners to fix by Order under their Seal, such Remuneration, proportioned to the Nature and Extent of such Services as aforesaid, as to them shall appear just and reasonable; and the Amount of such Remuneration shall be paid to such Medical Officer or other Medical Practitioner by the Guardians of the Union out of the Rates raised for the Relief of the Poor, and shall be charged either to the Union at large, the Electoral Division, or in case of a Dispensary District to the several Electoral Divisions comprised therein, according to the Nature of the Case, or as the said Commissioners shall in each Case direct.

Authentication of Directions and Regulations of Poor Law Commissioners.

XLIX. The Directions, Orders, and Regulations of the Commissioners for administering the Laws for Relief of the Poor in Ireland, under this Enactment, shall be under the Seal of the said Commissioners, and the Hand of the Chief Commissioner or Two or more of the said Commissioners; and any Copy of such Regulations, purporting to be so signed and sealed, shall be Evidence in all Proceedings in which they may come in question.

Short Title.

L. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Act for Ireland, 1855."

SCHE-

SCHEDULE OF FORMS.

Form (A.)

Order of Justices for Admission of Officer of local Authority to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in and for [*describe the Place*], and the said Officer has made Oath to me of his Belief that a Nuisance, within the Meaning of the Nuisances Removal Act, 1855, viz. [*describe Nuisance*], exists on private Premises at [*describe Situation of Premises so as to identify them*], within my Jurisdiction, and Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Now, therefore, I the said *A.B.* do hereby require you to admit the said [*name the local Authority*], [or the Officer of the said (*local Authority*)], for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the local Authority (*describing it*).

I [*or* We], the Person aggrieved by the Nuisance herein-after described [*or* the undersigned and described Inhabitant Householders, Inspector of Nuisances, *or other Officer* (*describing him*)], do hereby give you Notice, That there exists in or upon the [*Dwelling House, Yard, etc., as the Case may be*], situate at [*giving such Description as may be sufficient to identify the Premises*], in the Parish of in your District, under the Nuisances Removal Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance,* a Dwelling House or Building offensive or injurious to Health for want of a Privy *or* Drain *or* sufficient Means of Ventilation *or* so dilapidated *or* so filthy as to be offensive or injurious to Health, *or, for further instance,* a Ditch *or* Drain so foul as to be offensive or injurious to Health, *or* an Accumulation of , offensive or injurious to Health, *&c., or*

Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act, Default, Permission, or Sufferance the Nuisance is caused, or* by some Person unknown].

Dated this Day of in the Year of our Lord One thousand eight hundred and

[*Signed by Complainant under Section* 8.]

FORM (C.)

Notice to Owner or Occupier, of Entry for Examination.

To the Owner [*or* Occupier, *as the Case may be,*] of [*describe the Premises situate at*] [*insert a Description sufficient to identify the Premises*].

TAKE notice, That under the Nuisances Removal Act, 1855, the [*local Authority, naming it*], in whose District under the said Act the above Premises are situate, have received a Notice from [*name Complainant*], stating that in or upon the said Premises [*insert the Cause of Nuisance as set forth in the Notice*].

And further take notice, That after the Expiration of *Twenty-four* Hours from the Service of this Notice the [*local Authority*] will cause the said Premises to be entered and examined under the Provisions of the said Act, and if the Cause of Nuisance aforesaid be found still existing, or, though removed or discontinued, be likely to be repeated, a Summons will be issued requiring your Attendance to answer a Complaint which will be made to the Justices for enforcing the Removal of the same, and prohibiting a Repetition thereof, and for recovering the Costs and Penalties that may be incurred thereby.

Dated this Day of in the Year of our Lord One thousand eight hundred and

A.B.,

The Officer appointed by the [*local Authority*] to take Proceedings under the Nuisances Removal Act, 1855.

FORM (D.)

Summons.

To the Owner *or* Occupier of [*describe Premises*] situate at [*insert such a Description as may be sufficient to identify the Premises*], *or* to *A.B.* of .

County of [*or* Borough of *&c. or* District of *or as the Case may be*] to wit.

You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrate] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority, as the Case may be*], that in or upon the Premises above mentioned [*or* in or upon certain Premises situate at No. in the Street in the Parish of *or such other Description or Reference as may be sufficient to identify the Premises*], in their District, under the Nuisances Removal Act, 1855, the following Nuisance exists [*describing it, as the Case may be*], and that the said Nuisance is caused or permitted by the Occupier [*or* Owner] of the said Premises, *or* by you *A.B.* [*or in case the Nuisance be discontinued, but likely to be repeated, say*, there existed recently, to wit, on or about the Day of on the Premises, the following Nuisance [*describe the Nuisance*], and that the said Nuisance was caused [*&c.*], and although the same has since the said last-mentioned Day been removed or discontinued, there is reasonable Ground to consider that the same or the like Nuisance is likely to recur on the said Premises].

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction*] stated in the Margin, *or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of Day of in the Year of our Lord One thousand eight hundred and

FORM (E.)

Order of Justices for Removal of Nuisances by Owner, &c.

To the Owner [*or* Occupier] of [*describe the Premises*] situate [*give such Description as may be sufficient to identify the Premises*], *or* to *A.B.* of or to [*giving Name of the local Authority*], or to their Servants or Agents, and to all whom it may concern.

County of [*or* Borough, *&c.* of *or* District of *or as the Case may be*].

WHEREAS on the Day of Complaint was made before Esquire, One of Her Majesty's Justices of the Peace acting in and for the County [*or other Jurisdiction*] stated in the Margin, [*or* before the undersigned, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*,] by [*or* by on behalf of] [*the local Authority, naming it, as the Case may be*], that in or upon certain Premises situate at in the District under the Nuisances Removal Act, 1855, of the Complainants above named, the following Nuisance then existed [*describing it*]; and that the said Nuisance was caused or permitted to continue by the Owner [*or* Occupier] of the said Premises [*or* was caused by *A.B.*] (*If the Nuisance have been removed say,* the following Nuisance existed on or about [*the Day the Nuisauce was ascertained to exist*], and that the said Nuisance was caused, *&c.*, and although the same is now removed, the same or the like Nuisance is likely to recur on the same Premises.)

And whereas the Owner [*or* Occupier] within the Meaning of the said Nuisances Removal Act, 1855, [*or* the said *A.B.*,] hath this Day appeared before us Justices, being Two of Her Majesty's Justices in and for , sitting in Petty Sessions at their usual Place of Meeting [*or* before me, the said Magistrate of the Police Courts of the Metropolis, *or, as the Case may be*], to answer the Matter of the said Complaint [*Or in case the Party charged do not appear, say,* And whereas it hath been this Day proved to our [*or* my] Satisfaction that a true Copy of a Summons requiring the Owner [*or* Occupier] of the said Premises [*or* the said *A.B.*] to appear this Day before us [*or* me] hath been duly served according to the said Act:

Now upon Proof here had before us [*or* me] that the Nuisance so complained of doth exist on the said Premises, and that the same is caused or permitted to continue by the Owner [*or* Occupier] of the said

said Premises [*or* by the said *A.B.*,] we [*or* I], in pursuance of the said Act, do order the said Owner [*or* Occupier, *or A.B.*] within [*specify the Time*] from the Service of this Order or a true Copy thereof according to the said Act [*here specify the Works to be done, as, for instance,* to cleanse, whitewash, purify, and disinfect the said Dwelling House; *or for further instance,* to construct a Privy or Drain, *&c.*; *or for further instance,* to cleanse or to cover or to fill up the said Cesspool, *&c.*], so that the same shall no longer be offensive or injurious to Health as aforesaid.

[*And if it appear to the Justices that the Nuisance is likely to recur on the Premises, say* [And we] [*or* I] being satisfied that, notwithstanding the said Cause or Causes of Nuisances may be removed under this Order, the same is or are likely to recur, do therefore prohibit the said Owner [*or* Occupier, *or A.B.*,] from [*here insert the Matter of the Prohibition, as, for instance,* from using the said House or Building for Human Habitation until the same, in our Judgment, is rendered fit for that Purpose].

And if the above Order for Abatement be not complied with, [*or* if the above Order of Prohibition be infringed,] then we [*or* I] do authorize and require you the said [*local Authority, naming it*], from Time to Time to enter upon the said Premises, and to do all such Works, Matters, and Things as may be necessary for carrying this Order into full Execution according to the Act aforesaid.

In case the Nuisance were removed before Complaint, say, [Now, upon Proof here had before us that at or recently before the Time of making the said Complaint, to wit, on as aforesaid, the Cause of Nuisance complained of did exist on the said Premises, but that the same hath since been removed, yet, notwithstanding such Removal, we [*or* I] being satisfied that it is likely that the same or the like Nuisance will recur on the said Premises, do hereby prohibit [*Order of Prohibition*]; and if this Order of Prohibition be infringed, then we [*or* I] [*Order on local Authority to do Works*].

Given under the Hands and Seals of us, Two of Her Majesty's Justices of the Peace in and for [*or* the Hand and Seal of me, One of the Magistrates of the Police Courts of the Metropolis, *or as the Case may be*], this Day of in the Year of our Lord One thousand eight hundred and .

FORM (F.)

Order of Justices for Removal of Nuisance by local Authority.

To the Town Council, *&c., as the Case may be.*

County, *&c.* to wit. } WHEREAS [*recite Complaint of Nuisance as in last Form.*]

And whereas it hath been now proved to our [*or* my] Satisfaction that such Nuisance exists, but that no Owner or Occupier of the Premises, or Person causing the Nuisance, is known *or* can be found [*as the Case may be*]: Now we [*or* I], in pursuance of the said Act, do order the said [*local Authority, naming it,*] forthwith to [*here specify the Works to be done*].

Given, *&c.*

FORM (G.)

Order to permit Execution of Works by Owners.

County of [*or* Borough of *or* Metropolitan Police District, *or as the Case may be,*] to wit. } WHEREAS Complaint hath been made to me, *E.F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the County [*or* Borough, *&c.*] of [*or* One of the Magistrates of the Police Courts of the Metropolis, *or, as the Case may be, or* One of Her Majesty's Justices of the Peace, *as the Case may be,* of the County of], by *A.B.*, Owner within the Meaning of the "Nuisances Removal Act, 1855," of certain Premises, to wit, a Dwelling House [*or* Building, *or as the Case may be*], situate at [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Borough, *&c.*], that *C.D.*, the Occupier of the said Premises, doth prevent the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, in this, to wit, that he the said *C.D.* [*here describe the Act of Prevention generally according to the Circumstances; for instance thus,* doth refuse to quit the said House, the same having by the Order of Justices been declared unfit for Human Habitation, *or* doth prevent the said *A.B.* from cleansing *or* whitewashing *or* purifying the said Dwelling House, *or* erecting a Privy or Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a Drain, Ditch, Gutter, Watercourse, Privy, Urinal, Cesspool, *or* Ashpit offensive or injurious to Health]: And whereas the said *C.D.* has been summoned to answer the said Complaint, and has not shown sufficient Cause against the same, and it appears to

to me that [*describe the Act or Works to be done*] is necessary for the Purpose of enabling the said *A.B.* to obey and carry into effect the Provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* [*describe the Act or Works to be done*] in the Manner required by the said Act.

Given under my Hand and Seal, this Day of in the Year of our Lord One thousand eight hundred and .

E.F. (L.S.)

FORM (H.)

Summons for Nonpayment of Costs, Expenses, or Penalties. Sec. 20.

To [*describe the Person from whom the Costs, Expenses, and Penalties are due*].

County of
or Borough of
or District of
to wit.

} You are required to appear before Two of Her Majesty's Justices of the Peace [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* the Stipendiary Magistrates] of the County [*or other Jurisdiction*] of at the Petty Sessions [*or* Court] holden at on the Day of next, at the Hour of in the noon, to answer the Complaint this Day made to me by [*or* by on behalf of] [*naming the local Authority*], that the Sum of Pounds, being Costs and Expenses incurred by you under and in relation to a certain Complaint touching [*describe the Nuisance*], and an Order of [*describe the Person making the Order*] duly made in pursuance of The Nuisances Removal Act, 1855, [*if Penalties are due, add,* and also the Sum of being the Amount of Penalties payable by you for Disobedience of the said Order,] remains unpaid and due from you.

Given under the Hand of me, *J.P.*, Esquire, One of Her Majesty's Justices of the Peace acting in and for the [*Jurisdiction stated in the Margin*] [*or* One of the Magistrates of the Police Courts of the Metropolis, *or* Stipendiary Magistrate of] the Day of in the Year of our Lord One thousand eight hundred and

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FORM (I.)

Order for Payment of Costs, Expenses, and Penalties. Sect. 20.

To [*name the Person on whom the Order is made*].

County, &c. } WHEREAS Complaint has been made before us [*or* me] for
to wit. } that [*recite Cause of Complaint*].

And whereas the said [*naming the Person against whom the Complaint is made*] has this Day appeared before us the said Justices [*or* before me the said Magistrate of the Police Courts of the Metropolis, *or as the Case may be*,] to answer this Matter of the said Complaint: [*or, in case the Party charged do not appear, say,*]

And whereas it has been this Day satisfactorily proved to us [*or* me] that a true Copy of the Summons requiring the said [*naming Person charged*] to appear before us [*or* me] this Day hath been duly served according to the said Act: Now, having heard the Matter of the said Complaint, we [*or* I] do adjudge the said [*naming the Person charged*] to pay forthwith [*or* by Instalments of payable respectively on or before the] to the said [*naming the Person or local Authority to whom the Costs adjudged are payable*], the Sum of for Costs in this Behalf, and to [*naming the Person or Authority to whom the Expenses are payable*] the Sum of for Expenses in this Behalf, [*if Penalties are due, add,* and the Sum of for Penalties incurred in relation to the Premises,] together with the Sum of being the Charges attending the Application for this Order and Proceedings thereon; and if the said several Sums, amounting in the whole to [*or*, if any One of the said Instalments] be not paid within Fourteen Days after the same is due as aforesaid, we [*or* I] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said , and in default of sufficient Distress in that Behalf, adjudge the said to be imprisoned in the Common Gaol [*or* House of Correction, *as the Case may be*,] at in the said Country [*or, as the Case may be*,] for the Space of such Time, not exceeding Three Calendar Months, as the Justices may think fit, unless the said several Sums [*or* Sum], and all Costs and Charges of the said Distress [and of the Commitment and carrying of the said to the said House of Correction *or* Common Gaol, *or as the Case may be*,] shall be sooner paid.

Given under our [*or* my] Hands, this Day of in the Year of our Lord One thousand eight hundred and at in the [County, *or as the Case may be*,] aforesaid.

FORM

FORM (K.)

Warrant of Distress. Sec. 20.

To the Constable of and to all other Peace Officers in the said County [*or as the Case may be*].

WHEREAS on last past Complaint was made before the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County of [*or as the Case may be*] [*or* a Magistrate of the Police Courts of the Metropolis, *or* Stipendiary Magistrate, *as the Case may be*] for that [*&c. as in the Order*]; and thereupon having considered the Matter of the said Complaint, we [*or* I] adjudged the said [*set out from Form K. the Adjudication of Payment, and the Order for Distress and for Imprisonment in default of Distress*]: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said hath not paid the same or any Part thereof within Fourteen Days after the Date fixed by the Order for such Payment, but therein hath made default: These are therefore to command you in Her Majesty's Name forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale over to the Clerk of the Justices of the Peace for the Division of in the said [County, *or as the Case may be*], that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said ; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under our [*or* my] Hands and Seal, this Day of in the Year of Our Lord One thousand eight hundred and at in the [County] aforesaid.

A.B.
C.D.

(L.S.)

FORM (L.)

Return of Proceedings under Nuisances Removal Act, 1855, *by the* [name the local Authority at length].

From 25th March 1855 *to 25th March* 1856.

Date of Notice.	By whom given.	Nature of Nuisance.	Proceedings taken.	Remarks:—With any special Work done under the Acts, without any Notice.
16 April -	The Inspector -	Foul Drainage from House.	Owner put down good Drain, on Summons, without Justices Order.	
18 April -	Two Neighbours	Offensive Cesspool.	Abated by local Authority.	

Dated this 26th Day of March 1856. [*To be signed by the Chairman of the local Authority.*]

Nuisances Removal, &c.

(Ireland.)

A

BILL

To consolidate and amend the Nuisances Removal and Diseases Prevention Acts, 1848 and 1849, so far as they relate to Ireland.

(*Prepared and brought in by*
Mr. Solicitor General for Ireland,
Mr. Attorney General for Ireland, and
Mr. Horsman.)

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1855.

[Bill 256.]

Under 5 oz.

(Scotland.)

A

B I L L

TO

Consolidate and amend the Laws relating to the Removal of Nuisances and Prevention of Diseases, and to make further Provision in respect of the Police of Towns, in Scotland.

Preamble. 11 & 12 Vict. c. 123. 12 & 13 Vict. c. 111.

WHEREAS the Provisions of "The Nuisances Removal and Diseases Prevention Act, 1848," amended by "The Nuisances Removal and Diseases Prevention Amendment Act, 1849," are defective, and it is expedient to repeal the said Acts, as far as relates to Scotland, and to substitute other Provisions more effectual in that Behalf, and also to make Provision for the Supervision and Regulation of Common Lodging Houses, in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Nuisances Removal, and Police of Towns (Scotland) Act, 1855."

Recited Acts repealed. Saving Proceedings in Progress.

II. From and after the *passing of this Act*, the said Acts are hereby repealed, in so far as they apply to Scotland: Provided always, that all Proceedings commenced or taken under the said Acts, and not yet completed, may be proceeded with under the said Acts; and all Orders in Council for Scotland, and all Directions and Regulations issued by the General Board of Health under the said Acts, and all Appointments made and all Contracts or Works undertaken by virtue of the said Acts, shall continue and be as effectual as if the said Acts had not been repealed.

Interpretation Clause.

Interpretation of Words.

III. In this Act the following Words and Expressions shall have the Meanings herein-after assigned to them: The Word "Owner" shall signify the Person for the Time entitled to receive, or who would if the same were let be entitled to receive, the Rents of the Premises, and shall include a Trustee, Factor, Tutor, or Curator, and in case of Public or Municipal Property shall apply to the Persons to whom the Management thereof is intrusted; the Word "Premises" shall include Lands, Buildings, or Places open, covered, or inclosed, public or private; the Word "Person," and Words applying to any Person or Individual, shall apply to and include Women, Corporations, Statutory Boards, Joint Stock Companies, and Partnerships; the Expression "Author of a Nuisance" shall signify the Person through whose Act or Default the Nuisance is caused, exists, or is continued, whether he be the Owner or Occupier, or both; the Expression "Common Lodging House" shall signify a House or Part thereof where Lodgers are housed at an Amount not exceeding *Sixpence* per Night for each Person, whether the same be paid nightly, or for weekly, monthly, quarterly, or longer Periods, as well as to entire Houses occupied as Common Lodging Houses; the Expression "Keeper of a Common Lodging House" shall include any Person having or acting in the Care and Management of a Common Lodging House.

Constitution of general or local Authority and Appointment of Officers.

General Prison Board to superintend Execution of Act.

IV. The General Board of Directors of Prisons in Scotland, herein-after styled "The Board of Prisons," shall superintend the Execution of this Act in Scotland, and in such Superintendence may proceed in like Manner as they are authorized by Law to do in relation to Prisons; and the Secretary to the said Prison Board shall be its Secretary in the Execution of this Act.

May appoint Medical Inspectors.

V. The Board of Prisons may, with Approval of One of Her Majesty's Principal Secretaries of State, appoint a Medical Officer to act as Inspector under their Direction for the Purposes of this Act, and may remove

remove him at pleasure; and the Salary of such Medical Officer shall be fixed by the Commissioners of Her Majesty's Treasury, and shall not exceed the Sum of *Three hundred Pounds* per Annum, *and the same shall be paid out of the Consolidated Fund.*

Local Authority.

VI. The following Bodies shall respectively be the local Authority to execute this Act in the Districts hereunder stated in Scotland:

In Places within the Jurisdiction of any Town Council, the Town Council:

In any Parish or Part thereof over which the Jurisdiction of a Town Council does not extend, the Parochial Board of such Parish.

Committee may be appointed.

VII. The local Authority may appoint any Committee or Committees of their own Body to receive Notices, take Proceedings, and in all or certain specified respects execute this Act, whereof Two shall be a Quorum; and such local Authority, or their Committee, may, by Order in Writing, signed by the Chairman of such Body or Committee, empower any Officer or Person to make Complaints and take Proceedings on their Behalf; and all Acts done or Proceedings taken by or against such Committee or Officer or Person shall be as valid as if they were done by or taken in the Name of all the Members of the local Authority.

Local Authority to appoint Sanitary Inspectors.

VIII. The local Authority shall for the Purposes of this Act appoint an Inspector or Inspectors of Nuisances, and an Inspector or Inspectors of Common Lodging Houses, and shall make Byelaws for regulating the Duties of such Inspector, and shall appoint convenient Places for their Offices, and shall allow to every such Inspector on account of his Employment a proper Salary.

PART I.

Removal of Nuisances.

Description of Nuisances under this Act.

IX. The Word "Nuisances" under this Act shall include—

(a) Any Insufficiency of Size, Defect of Structure, Want of Repairs, or other Matter or Circumstance rendering any inhabited House, Building, or Part thereof unwholesome or unfit for Human Habitation:

(b) Any Pool, Watercourse, Ditch, Gutter, Drain, Privy, Urinal, Cesspool, or Ashpit, so foul as to be injurious to Health:

(c) Any Animal so kept as to be injurious to Health:

(d) Any Accumulation, or Deposit within the Limits of any Burgh, or within Fifty Yards of any Dwelling House, offensive or injurious to Health:

(e) Any Work, Manufactory, Trade, or Business offensive or injurious to the Health of the Neighbourhood:

Provided always, that in the foregoing Cases marked (d) and (e) no Nuisance under this Act shall be held to exist where the best means known for remedying or mitigating the injurious Effects thereof shall be proved to be used, and in the Case marked (d) where such Accumulation or Deposit shall also be found to be necessary, and continued no longer than is necessary for the Purposes of a Manufacture or Business in which the same is required.

Power of Entry to local Authority or their Officer.

X. If the local Authority or Inspector of Nuisances have reasonable Grounds for believing that Nuisance exists in any private Premises, such local Authority or Inspector may demand to be admitted to inspect the same, at any Hour between *Nine* in the Morning and *Six* in the Evening, and if Admission be refused may apply to any Justice of the Peace having Jurisdiction in the Place, stating on Oath such Belief; and such Justice may, by Order in Writing, require the Occupier or Person having the Custody of such Premises to admit the local Authority or Inspector; and if such Occupier or Person refuse to obey such Order, he shall, on Conviction of such Offence, be liable to a Penalty not exceeding *Five Pounds;* and if no such Occupier or Person can be discovered, the local Authority or their Officers may enter the Premises.

Proceedings by local Authority when Nuisances are ascertained to exist.

XI. In any Case where the Existence of a Nuisance is ascertained on Examination by the local Authority, or is certified to them in Writing, signed by the Medical Officer of the Parish, or where the Nuisance in the Opinion of the local Authority did exist at the Time when Demand of Admission was made or the Certificate was given, and, although the same may have been since removed or discontinued, is in their Opinion likely to recur or to be repeated, they shall apply to the Sheriff by summary Petition in manner hereinafter directed; and if it appear to his Satisfaction that the Nuisance exists, or, if removed or discontinued since the Demand of Admission was made or the Certificate was given, that it is likely to recur or to be repeated, the Sheriff shall decern for the Removal or Remedy or Discontinuance or Interdict of the Nuisance, as hereinafter mentioned; provided that in the Cases under the Head marked (e) in Section Nine such Application shall be made only on Medical Certificate as aforesaid.

Form of Interlocutor.

XII. It shall not be necessary to restrict such Decree to any special Remedy prayed in the Petition, but the Sheriff may, as the Case shall require, ordain the Author of the Nuisance to provide sufficient Privy Accommodation, Means of Drainage or Ventilation for,

for, or to repair, make safe, and habitable, or to pave, cleanse, whitewash, disinfect, or purify, the Dwelling House, Building, or Premises, or to drain, empty, cleanse, fill up, cover, repair, or remove any Pool, Ditch, Gutter, Watercourse, Privy, Cesspool, Drain, or Ashpit, or to provide a Substitute for that complained of, or to remove the Animal, or to carry away the offensive Matter, or to discontinue the Work, Trade, Manufactory, or Business, or prevent the injurious Effects thereof, (according to the Nature of the Case,) or to do such other Works or Acts as are necessary to remove the Nuisance complained of, in such Manner and within such Time as in the Interlocutor shall be specified; and if the Sheriff is of opinion that such or the like Nuisance is likely to recur, he may further grant Interdict against the Recurrence of it, or otherwise as the Case may in his Judgment require; and if the Nuisance proved to exist be such as to render a House or Building in the Judgment of the Sheriff unfit for Human Habitation, he may prohibit the using thereof for that Purpose until it is rendered fit for that Purpose in the Judgment of the Sheriff, or otherwise as the Case may in the Judgment of the Sheriff require.

Interdict against future Nuisance.

XIII. If the said Decree be not complied with in good and sufficient Manner, the Author of the Nuisance shall be liable, in the Case of Nuisances specified in Clauses (a.), (b.), (c.), and (d.), in Section Nine of this Act, to a Penalty of not more than *Ten Shillings* per Day during his Failure so to comply; and if the said Interdict be knowingly infringed by the Act or Authority of the Owner or Occupier, such Owner or Occupier shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* per Day during such Infringement; and in the Case of Nuisances specified in Clause (e.) in the said Section, the Party not complying with or infringing such Decree shall be liable to a Penalty not exceeding *Five Pounds* nor less than *Two Pounds* for the First Offence, and of *Ten Pounds* for the Second, and for each subsequent Conviction a Sum double the Amount of the Penalty in the last preceding Conviction, but no Penalty shall exceed *Two hundred Pounds*: Provided always, in the Case of such last-mentioned Nuisance, that if it appears to the Sheriff that the best Means then known to be available for mitigating the Nuisance, or the injurious Effects thereof, have not been adopted, he may suspend his final Determination, upon Condition that the Author of the Nuisance shall undertake to adopt within a reasonable and definite Time such Means as the Sheriff shall judge to be practicable, and order to be carried into effect, for mitigating or preventing such injurious Effects.

Penalty for Contravention of Decree and of Interdict.

XIV. When it shall appear to the Sheriff that the Execution of structural Works is required for the Removal or Remedy of a Nuisance, he may direct such Works to be carried out under the

Order when structural Works are required.

Direction, or with the Consent or Approval of any Public Board, Trustees, or Commissioners having Jurisdiction in the Place in respect of similar Works, and he may, before making his Order, require the local Authority, within a Time to be specified by him, to furnish him with an Estimate of the Cost of the required Works.

Local Authority to do Works on Owner's or Occupier's Default.

XV. In case of Noncompliance with or Infringement of any Decree of the Sheriff as aforesaid, the local Authority may apply to the Sheriff for Authority to enter the Premises to which such Decree relates, and remove or remedy the Nuisance thereby condemned or interdicted, and do whatever may be necessary in execution of such Decree; or if in the original Application it appears to the Satisfaction of the Sheriff that the Author of the Nuisance is not known or cannot be found, then such Decree may at once ordain the local Authority to execute Works thereby directed; and all Expenses incurred by the local Authority in executing the Works may be recovered by an Action in the Small Debt Court, whatever may be their Amount.

If Person causing Nuisance cannot be found.

Manure, &c. to be sold.

XVI. Any Thing removed by the local Authority in pursuance of this Act may be sold by public Roup, after not less than *Five* Days Notice by printed Handbills posted in the Locality, except in Cases where Delay would be prejudicial to Health, when the Sheriff may order the immediate Removal, Destruction, or Sale of the Thing, and the Proceeds of the Sale shall be retained by the local Authority, and applied in Payment of all Expenses incurred under this Act with reference to such Nuisance, and the Surplus, if any, shall be paid, on Demand, by the local Authority, to the Owner of such Thing.

Open Ditches, &c. to be covered or improved.

XVII. Whenever any Watercourse, Ditch, or Drain along the Side of any Turnpike Road shall be used or partly used for the Conveyance of any Water, Sewage, or other Matter from any Premises, and cannot in the Opinion of the local Authority be rendered inoffensive and innocuous from Foulness or offensive Smell, without the laying down of a Sewer or of some other Structure along the same or Part thereof, or instead thereof, such local Authority shall and they are hereby required to lay down such Sewer or other Structure within the Limits of their Jurisdiction, and to keep the same in good and serviceable Repair, and may enter any Premises for such Purposes, and use such Part thereof as shall be necessary, and for such Use shall pay such Damages as may be assessed by the Sheriff on a summary Application, and to such Party as the Sheriff may direct; and such local Authority are hereby authorized and empowered to assess all the Premises from which then or at any Time thereafter any Material other than pure Water is carried into the said Sewer or other Structure for Payment of all Expenses incurred in making and maintaining the same, and that either

either in One Sum or in Instalments, or as a perpetual Burden, as they shall think just and reasonable, and, after *Fourteen Days* Notice at the least left on the Premises so assessed, to levy and collect the Sums so assessed, in the same Manner, and with the same Remedies in case of Default in Payment thereof, as the Prison Assessment is by the Law in force for the Time being leviable and collectable, and with the same Right and Power of Appeal against the Amount of such Assessment as by the Law for the Time being in force are given against such Prison Assessment.

Act not to affect Navigation of Rivers or Canals.

XVIII. Nothing in this Act contained shall enable any local Authority or other Person, either with or without any Order of the Sheriff, to injuriously affect the Navigation of any River or Canal, or to divert or diminish any Supply of Water of Right belonging to any such River or Canal.

Penalty on Sale of unwholesome Meat.

XIX. The Inspector of Nuisances may, at all reasonable Times, enter any Premises to inspect and examine any Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables exposed for Sale, or which there is probable Cause for believing to be intended for Human Food; and in case any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables appear to him to be unfit for such Food the same may be seized; and if it appear to any Justice of the Peace that any such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables is unfit for the Food of Man he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Carcase, Meat, Poultry, Game, Flesh, Fish, Fruit, or Vegetables belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding *Ten Pounds* for every Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fruit or Vegetables so found.

Penalty for causing Water to be corrupted by Gas-washings.

XX. Any Person or Company engaged in the Manufacture of Gas who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond, or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas, whereby the Water in any such Stream, Reservoir, Aqueduct, Pond, or Place for Water shall be fouled, shall forfeit for every such Offence the Sum of *Two hundred Pounds.*

Penalty to be sued for within Six Months.

XXI. Such Penalty may be recovered, with Expenses, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such

Act as aforesaid, or if there be no such Person, or in default of Proceedings by such Person, after Notice to him from the local Authority of their Intention to proceed for such Penalty, by the local Authority; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence or within *Six* Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXII. In addition to the said Penalty of *Two hundred Pounds* (and whether such Penalty shall have been recovered or not), the Person or Company so offending shall forfeit the Sum of *Twenty Pounds* (to be recovered in the like Manner), for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or during which the Act by which such Water shall be fouled shall continue, after the Expiration of *Twenty-four* Hours from the Time when Notice of the Offence shall have been served on such Person or Company by the local Authority, or the Person into whose Water such Washing or other Substance shall be brought or flow or whose Water shall be fouled thereby, and such Penalty shall be paid to the Parties from whom such Notice shall proceed; and all Monies recovered by a local Authority under this or the preceding Section shall, after Payment of any Damage caused by the Act for which the Penalty is imposed, be applied towards defraying the Expenses of executing this Act.

PART II.

Prevention and Mitigation of Diseases.

Privy Council empowered to issue Orders for Diseases Prevention.

XXIII. Whenever any Part of the United Kingdom appears to be threatened with or is affected by any formidable epidemic, endemic, or contagious Disease, the Lords and others of Her Majesty's Most Honourable Privy Council, or any Three or more of them, (the Lord President of the Council, or One of Her Majesty's Principal Secretaries of State, being One,) may, by Order or Orders by them from Time to Time made, direct that the Provisions for the Prevention of Diseases contained in Part III. of this Act be put in force in Scotland, or in such Parts thereof or in such Places therein as in such Order or Orders may be expressed, and may from Time to Time, as to all or any of the Parts or Places to which any such Order or Orders extend, and in like Manner, revoke or renew any such Order; and, subject to Revocation and Renewal as aforesaid, every such Order shall be in force for *Six Calendar Months*, or for such shorter Period as in such Order shall be expressed; and every such Order of Her Majesty's Privy Council or any Members thereof as aforesaid shall be certified under the Hand of the Clerk in Ordinary of Her Majesty's Privy Council, and

and shall be published in the Edinburgh Gazette, and such Publication shall be conclusive Evidence of such Order.

Board of Prisons may issue Regulations to carry out such Provisions.

XXIV. From Time to Time, after the issuing of any such Order as aforesaid, and whilst the same continues in force, the Board of Prisons may issue such Directions and Regulations as the said Board think fit for the Prevention, as far as possible, or Mitigation, of such epidemic, endemic, or contagious Diseases, and from Time to Time may revoke, renew, and alter any such Directions and Regulations, as to the said Board appears expedient; and the same shall extend to all Parts or Places in which the Provisions of this Act for the Prevention of Disease shall for the Time being be put in force under such Orders as aforesaid, unless such Directions and Regulations be expressly confined to some of such Parts or Places, and then to such Parts or Places as therein are specified; and (subject to the Power of Revocation and Alteration herein contained) such Directions and Regulations shall continue in force so long as the said Provisions of this Act shall under such Order be applicable to the same Parts or Places; and all such Directions and Regulations shall be published by being inserted in the Edinburgh Gazette, which Publication shall be conclusive Evidence thereof, and may be further published, and may be specially communicated to any local Authority, by the Secretary of the Board, as the Board may direct.

Local Extent and Duration of the Regulations of the Board of Prisons.

Publication of Rules and Regulations.

Orders of Council, Directions and Regulations of Board of Prisons, to be laid before Parliament.

XXV. Every Order of Her Majesty's Privy Council, and every Direction and Regulation of the Board of Prisons under this Act, shall be laid before both Houses of Parliament, forthwith upon the issuing thereof, if Parliament be then sitting, and if not then within *Fourteen Days* next after the Commencement of the then next Session of Parliament.

Matters to be directed.

XXVI. The Board of Prisons, by such Directions and Regulations, may provide—

For the speedy Interment of the Dead:

For House-to-House Visitation:

For the dispensing of Medicines, and for affording to Persons afflicted by or threatened with such epidemic, endemic, or contagious Diseases, such Medical Aid and such Accommodation as may be required:

Local Authority shall execute and may direct Prosecutions for violating Regulations.

And the local Authority shall superintend and see to the Execution of such Directions and Regulations, and shall do and provide all such Acts, Matters, and Things as may be advisable for mitigating such Disease, or for superintending or aiding in the Execution of such Directions and Regulations, or for executing the same, as the Case may require, and may direct any Prosecutions or legal

Proceedings for or in respect of the wilful Violation or Neglect of any such Directions and Regulations.

Power for local Authority, &c. to enter Premises.

XXVII. The local Authority acting in the Execution of such Directions and Regulations, or the Officers or Persons by them in this Behalf authorized, may enter, at reasonable Times in the Daytime, and inspect any Premises, where they have Ground for believing that any Person has recently died of any such Disease, or that Necessity may otherwise exist for executing in relation to the Premises any of such Directions and Regulations.

When Order in Council in force, overcrowded Houses to come under Common Lodging Houses Provisions.

XXVIII. When any Order in Council is in force in any Place, on the Certificate of an Inspector of Nuisances, a Medical Officer, Two duly qualified Medical Practitioners, or other sufficient Evidence, that any House or Part of a House is so overcrowded as to be dangerous to Health, the local Authority shall have Power to regulate the same according to the Provisions of this Act in reference to Common Lodging Houses.

Order in Council to extend to Parts of Sea.

XXIX. All Orders in Council for executing this Act shall extend to Parts and Arms of the Sea lying within the Jurisdiction of the Admiralty, and adjacent to the Places to which such Orders relate; and the Board of Prisons may issue under the said Orders Directions and Regulations for cleansing, purifying, ventilating, and disinfecting, and preventing Disease, in Ships and Vessels, as well upon Arms and Parts of the Sea aforesaid as upon Inland Waters.

Power for Medical Officer of Parish and others to recover Costs of attending Sick on board Vessels, when required by Orders of General Board of Prisons.

XXX. Whenever, in compliance with any Regulation of the Board of Prisons, which they may be empowered to make under this Act, any Medical Officer appointed under the Laws for the Time being for the Relief of the Poor shall perform any Medical Service on board of any Vessel, such Medical Officer shall be entitled to charge extra for any such Service at the general Rate of his Allowance for his Services for the Parish for which he is appointed, and such Charges shall be payable by the Captain of the Vessel on behalf of the Owners, together with any reasonable Expenses for the Treatment of the Sick; and if such Services shall be rendered by any Medical Practitioner who is not a Parish Officer, he shall be entitled to Charges for any Service rendered on board, with extra Remuneration on account of Distance, at the same Rate as those which he is in the habit of receiving from private Patients of the Class of those attended and treated on Shipboard, to be paid as aforesaid; and in case such Charges be not paid the Medical Officer or Practitioner may bring an Action against the Captain of such Vessel for the same, and the Vessel, Cargo, and Tackle shall be subject to a Lien for the Amount of such Charges.

PART

PART III.

Regulation of Common Lodging Houses.

Common Lodging Houses to be registered.

XXXI. The local Authority shall cause a Register to be kept, in which shall be entered the Names and Residences of the Keepers of all Common Lodging Houses within the Jurisdiction of the local Authority, and the Situation of every such House, and the Number of Lodgers authorized according to this Act to be kept therein; and the local Authority may refuse to register as the Keeper of a Common Lodging House any Person who does not produce to the local Authority a Certificate of Character in such Form as the local Authority shall direct, signed by Three Inhabitant Householders of the Parish respectively assessed for the Relief of the Poor of the Parish within which such Lodging House is situate.

No Lodger to be received in Common Lodging House till it has been inspected and registered.

XXXII. After the Expiration of *One Month* from the Date of the *passing of this Act*, it shall not be lawful to keep or use as a Common Lodging House any House, not being a Licensed Victualling House, or to receive or retain any Lodgers therein, unless such House shall have been inspected and approved for that Purpose by the Inspector of Common Lodging Houses for the District, and shall have been registered as by this Act provided.

Evidence of Register.

XXXIII. A Copy of an Entry made in a Register kept under this Act, purporting to be certified by the Person having the Charge of such Register to be a true Copy, shall be received in all Courts and on all Occasions whatsoever as Evidence, and shall be sufficient Proof of all Things therein registered, without the Production of the Register, or of any Document, Act, or Thing on which the Entry is founded; and every Person applying at a reasonable Time shall be furnished gratis by the Person having such Charge with a certified Copy of any such Entry.

Power to local Authority to make Rules and Regulations respecting Common Lodging Houses.

XXXIV. The local Authority may from Time to Time make Rules and Regulations respecting Common Lodging Houses within its Jurisdiction, for the well-ordering of such Houses, and for the Separation of the Sexes therein, and for fixing the Number of Lodgers which may be received in each such House, and in each Room therein, and for promoting the Cleanliness and Ventilation of such Houses, and with respect to the Inspection thereof, and the Conditions and Restrictions under which such Inspection may be made; and the said local Authority may by any such Rules and Regulations impose upon Offenders against the same such reasonable Penalties as they shall think fit, not exceeding the Sum of *Five Pounds* for each Offence, and in the Case of a continuing Offence a further Penalty not exceeding

the Sum of *Forty Shillings* for each Day after written Notice of the Offence from the said local Authority; and the said local Authority may alter or repeal any such Rules and Regulations by any subsequent Rules and Regulations signed as aforesaid: Provided always, that all such Rules and Regulations imposing any Penalty shall be so framed as to allow of the Recovery of any Sum less than the full Amount of the Penalty: Provided also, that such Rules and Regulations shall not be of any Force or Effect until the same be submitted to and confirmed by One of Her Majesty's Principal Secretaries of State, who is hereby empowered to confirm or disallow the same, as he may think proper: Provided further, that no such Rules and Regulations shall be confirmed unless Notice of the Intention to apply for Confirmation of the same shall have been given in One or more of the public Newspapers usually circulated within the Parish or Place to which such Byelaws relate *One Month* at least before the making of such Application; and for *One Month* at least before any such Application a Copy of the proposed Rules and Regulations, in Writing, signed by the Chairman of the Meeting at which they were made, shall be kept at the Office or usual Place of Meeting of the local Authority, and be open during Business Hours thereat for the Inspection of Parties assessed to the Relief of the Poor in such Parish or Place, without Fee, and the local Authority shall cause every such Party assessed as aforesaid who shall apply for the same to be furnished with a Copy thereof, on Payment of *Sixpence* for every One hundred Words contained in such Copy.

Rules to be confirmed by Secretary of State;

and after Notice in District.

Such Rules and Regulations to be printed.

XXXV. All Rules and Regulations made by the local Authority in pursuance of this Act shall, when confirmed as aforesaid, be printed, and hung up in the Office or usual Place of Meeting of the said local Authority, and Copies thereof shall be furnished gratis to every Keeper of a Lodging House, and such Keeper shall be bound to keep a Copy thereof hung up in some conspicuous Place in each Room in which Lodgers are received, and Copies shall also be furnished to any Party assessed as aforesaid, upon Application, and Payment of *Twopence* each for the same; and a Copy of such Rules and Regulations, purporting to be signed by One of Her Majesty's Principal Secretaries of State, shall be received in Evidence of such Regulations, and of the duly making and confirming thereof, without Proof of the Signature.

Power to local Authority to require an additional Supply of Water to Common Lodging Houses.

XXXVI. Where it appears to the local Authority that a Common Lodging House is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority may, by Notice in Writing, require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to execute all Works necessary

necessary for that Purpose; and if such Notice be not complied with accordingly the local Authority may remove the Common Lodging House from the Register until it be complied with.

Power to local Authority to order Reports from Keepers of Common Lodging Houses kept for Beggars and Vagrants.

XXXVII. The Keeper of a Common Lodging House in which Beggars or Vagrants are received to lodge, or other Person having the Care or Management thereof, shall from Time to Time, if required by any Order of the local Authority served on such Keeper or Person, report to the local Authority, or to such Person or Persons as the said local Authority shall direct, every Person who resorted to such House during the preceding Day or Night, and for that Purpose Schedules shall be furnished by the local Authority to the Persons so ordered to report, which Schedules they shall fill up with the Information required, and transmit to the local Authority.

Local Authority may remove sick Persons from Common Lodging Houses to Hospitals, &c.

XXXVIII. When a Person in a Common Lodging House is ill of Fever or any infectious or contagious Disease, the local Authority may cause such Person to be removed to a Hospital or Infirmary, with the Consent of the Authorities thereof, and on the Certificate of the Medical Officer of the Parish, or of any Two qualified Medical Men, that the Disease is infectious or contagious, and that the Patient may be safely removed; and the local Authority may, so far as they think requisite for preventing the Spread of Disease, cause any Clothes or Bedding used by such Person to be disinfected or destroyed, and may award to the Owners of the Clothes and Bedding so disinfected or destroyed reasonable Compensation for the Injury or Destruction thereof; and such Compensation, if awarded, shall be paid to such Owners by the Inspector of the Poor of the Parish in which the Common Lodging House is situate, who shall be reimbursed thereof out of the Assessments applicable to the Relief of the Poor of such Parish, the Amount of such Compensation being first certified in Writing upon a List of such Articles.

As to giving Notice of Fever, &c. occurring in Common Lodging Houses.

XXXIX. The Keeper of a Common Lodging House shall, when a Person in such House is ill of Fever or any infectious or contagious Disease, give immediate Notice thereof to the Inspector of Common Lodging Houses, and also to the Medical Officer of the Parochial Board and the Inspector of the Poor of the Parish in which such Common Lodging House is situated, who shall forthwith communicate to such Parochial Board that such Notice has been received, and take the Instructions of such Parochial Board thereupon.

As to Inspection of Common Lodging Houses.

XL. The Keeper of a Common Lodging House, and every other Person having or acting in the Care and Management thereof, shall, at all Times when required by any Officer of the local Authority, give him free Access to such House or any Part thereof.

As to cleansing of Common Lodging Houses.

XLI. The Keeper of a Common Lodging House shall thoroughly cleanse all the Rooms, Passages, Stairs, Floors, Windows, Doors, Walls, Ceilings, Privies, Cesspools, and Drains thereof to the Satisfaction of the Inspector, and so often as shall be required by or in accordance with any Regulation of the local Authority, and shall well and sufficiently, and to the like Satisfaction, limewash the Walls and Ceilings thereof in the First Week of each of the Months of April and October in every Year.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XLII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence under this Act, it may be adjudged as the Punishment or Part of the Punishment for such Third Offence that he shall not, at any Time within *Five Years* or any shorter Period after such Conviction, keep or have or act in the Care or Management of a Common Lodging House, without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold, or may grant on such Terms and Conditions as they think fit.

PART IV.

Enforcement of and Procedure under this Act.

Procedure if local Authority neglect its Duty under this Act.

XLIII. If any Nuisance shall exist upon or in Premises possessed or managed by the local Authority, or in which the local Authority have any Interest, or if the local Authority shall neglect to perform any Duty imposed upon it by this Act, or to take all due Proceedings in this Act authorized for the Removal of Nuisances or Preservation of Health, or due Regulation of Lodging Houses, it shall be competent for any Two Householders residing within the District, or the Inspector of the Poor of the Parish, or for the Procurator Fiscal of the Sheriff or Justice of the Peace Court of the County, or of the Burgh Court, or for any Person appointed for that Purpose by the Board of Prison, to give written Notice to such local Authority of the Matters in which such Neglect exists; and if the local Authority do not, within *Fourteen Days* after such Notice, or, in the Case of Neglect to enforce any Regulation or Direction of the Board of Prisons, under Part II. of this Act, within *Two Days* after such Notice, remove or remedy the Nuisance referred to, or in any other Case take the Steps authorized or required by this Act, it shall be competent for the Parties aforesaid to apply to the Sheriff by summary Petition; and the Sheriff shall thereon inquire into the same,

same, and may make such Decree as shall in his Judgment be required to enforce the Removal or Remedy of the Nuisance, or otherwise to compel Execution of or carry out the Provisions of this Act, and may appoint the same to be carried into effect by and at the Sight of such Persons as he may think fit, and at the Expense of the local Authority, or of other Parties on whom the Expense ought in his Opinion to be laid, and for Payment of the Expenses of such Application by the Petitioners or by the local Authority, as Justice may require.

Form of Applications to Sheriff.

XLIV. All Applications to the Sheriff to enforce any Provision of this Act herein-before made, or for the Recovery of Penalties herein-before imposed, shall be by summary Petition, and such Petition shall refer to the Clauses of this Act on which it is founded, without setting forth the same; and the Sheriff shall thereupon, if he see fit, appoint the Petition to be answered within *Three Days*, or may order the Parties to attend him in Person, or if the Petition be for Penalties may in his Discretion grant a Warrant to apprehend the Defender, and on advising such Answer, or hearing the Parties, he may at once decern, or may appoint any competent Person to examine the Premises and report to him, and may decern on such Report, or he may, if either Party desire it, order Proof to be led before himself on any specified Points, and shall, in that Case, appoint a Day, not more than *Five Days* thereafter, for hearing such Proof, and if the Proof be not on that Day completed may adjourn the same from Time to Time until completed, and within *Three Days* after such Completion he shall give Decree, and he may find either Party liable in Expenses, or in any modified Sum of Expenses.

No written Pleadings, &c. allowed.

Party truly liable shall be bound.

XLV. No written Pleadings, other than the Petition and Answers (when ordered), shall be allowed, and the Sheriff shall take Notes of the Evidence in like Manner as in Civil Proofs; and where, on Proceedings being taken against either Owner or Occupier, the Sheriff shall be of opinion that he is not the Party truly liable, he shall have Power, on such Intimation as he may deem fitting, to hold them as taken against such Party, and to decern against him therein as fully as if they had originally been directed against him: Provided always, that no Decree under this Act against any Party shall bar his Right to Relief against any other Party legally liable therein.

Appeal in certain Cases.

XLVI. Where it shall appear to the Sheriff that the true Value of the Subject complained of as a Nuisance, or the Cost of the Operations necessary to remove or amend it as ordered, or the Value of the Trade or Business interfered with, exceeds the Sum of *Fifteen Pounds*, he shall certify his Opinion to that Effect in his Decree, and

the Parties shall thereupon be entitled to appeal from the Sheriff Substitute to the Sheriff, on lodging, within *Three Days* after the Decree, a Note of Appeal with the Sheriff Clerk, and serving the same on the opposite Party, and such Note shall operate as a Sist of Execution until the Appeal be determined; and on such Note being lodged, the Sheriff Clerk shall transmit the Process, together with the Sheriff Substitute's Notes of Evidence, to the Sheriff, whose Decision thereon shall be final.

No Appeal otherwise.

XLVII. No Appeal shall be competent, save in Cases so certified.

Justices being Members of local Authority may act.

XLVIII. The Sheriff, Justices of the Peace, or Magistrates may in all Cases, notwithstanding their being Members of the local Authority, exercise the Jurisdiction vested in them under this Act.

Proceedings not quashed for Want of Form.

XLIX. No Decree or Order, nor any other Proceeding, Matter, or Thing done in the Execution of this Act, shall, excepting as hereinprovided, be subject to Review in any Way whatever.

Service of Notices, Summonses, and Orders.

L. Notices, Petitions, and Orders under this Act may be served by delivering the same to or at the Residence of the Parties to whom they are respectively addressed, or by being put into the Post Office duly addressed to the Parties, and where addressed to the Owner or Occupier of Premises they may be served by delivering the same or a true Copy thereof to some Person upon the Premises, or if there be no Person upon the Premises who can be so served by fixing the same upon some conspicuous Part of the Premises.

Proof of Resolutions of local Authority.

LI. Copies of any Orders or Resolutions of the local Authority or their Committee, purporting to be signed by the Chairman of such Body or Committee, shall, unless the contrary be shown, be received as Evidence thereof, without Proof of their meeting, or of the official Character or Signature of the Person signing the same.

One or more joint Owners may be proceeded against alone.

LII. In case of any Demand or Complaint under this Act to which Two or more Parties, whether as Owners or Occupiers of Premises may be jointly answerable, it shall be sufficient to proceed against any One or more of them without proceeding against the others or other of them; but nothing herein contained shall prevent the Parties so proceeded against from recovering Relief in any Case in which they would now be entitled to Relief by Law.

Penalty for obstructing Execution of Acts.

LIII. If the Occupier of any Premises prevent the Owner thereof from obeying or carrying into effect the Provisions of this Act, the Sheriff or any Justice to whom Application is made shall by Order in

in Writing require such Occupier to permit the Execution of the Works required to be executed, provided that such Works appear to such Sheriff or Justice to be necessary for the Purpose of obeying or carrying into effect the Provisions of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuse to comply therewith, he shall be liable to a Penalty not exceeding *Five Pounds* for every Day afterwards during the Continuance of such Refusal.

Penalty on Occupier obstructing Owner.

LIV. Whoever wilfully violates any Provision of this Act to which no special Penalty is attached, obstructs any Person acting under the Authority or employed in the Execution of this Act, or wilfully violates any Direction or Regulation issued by the Board of Prisons under this Act, shall be liable for every such Offence to a Penalty not exceeding *Five Pounds;* provided that nothing in this Act shall exempt any Person from any Penalty or Liability to which he may otherwise be subject.

Expenses.

LV. All Expenses or Penalties decerned for against, or due under this Act by, an Owner may be recovered from the Occupier of the Premises to the Extent of the Rent thereof, and if paid by him may be deducted from the Rent, and if not so paid shall, to the Extent of Two Years real Value of the Premises, rank as a preferable real Burden on the whole Premises in respect of which they became due.

Expense of Execution of Act.

LVI. All Charges and Expenses incurred by the local Authority in executing this Act, and not recovered, as herein-before provided, may be defrayed out of an Assessment to be levied in like Manner, and under like Powers, which are hereby given, as—

The Prison or Police Assessment, as the Town Council shall resolve, where the local Authority is a Town Council;

The Assessment for the Relief of the Poor, where the local Authority is a Parochial Board, or, where there is no such Assessment, by an Assessment levied in such Manner as an Assessment might have been levied for the Relief of the Poor.

Return of Proceedings.

LVII. The local Authority shall in each Year make a Return containing a complete Account of Charge and Discharge of all Sums received and expended under this Act, stating the Names of the Members of the local Authority, and of their Committees, the Names and Addresses of their Officers, and shall append a Statement in the Form provided in Forms E. and F. of the Schedule of this Act, of the Matters therein specified, and setting forth the Proceedings taken for the Removal or Remedying of Nuisances, and shall cause Copies

of such Return to be printed, and circulated among the Persons assessed for the Relief of the Poor, or under this Act, in their District.

Forms.

LVIII. The other Forms contained in the Schedule to this Act annexed, or any Forms to the like Effect, may be used for Instruments under this Act, and shall be sufficient for the Purpose intended.

Police Constables to aid in executing Act.

LIX. The Constabulary and Police Force in their respective Jurisdictions shall aid the Authorities and Officers acting in execution of this Act, or any Directions or Regulations issued as aforesaid.

Act not to impair Common Law Remedies for Nuisance.

LX. Nothing in this Act shall be construed to impair any Right of Action in respect of Nuisances at Common Law.

PART V.

Amendment of the Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled "An Act to make more effectual Provision for regulating the Police of Towns and populous Places in Scotland, and for paving, draining, cleansing, lighting, and improving the same;"

13 & 14 Vict. c. 32.

Commissioners may levy Special Sewer Rates.

LXI. The Seventy-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That whenever any new Sewer shall be made, enlarged, or re-constructed under the Provisions of the said Act, it shall be lawful for the Commissioners to recover the whole Expenses incurred by them in the making, Enlargement, or Reconstruction of such Sewer from the Occupiers of all Premises situated in the Drainage District in which such Sewer shall be made, enlarged, or re-constructed; and for that Purpose the Commissioners shall assess and levy upon and from the Occupiers of such Premises, over and above any other Rates to which such Occupiers may be liable under the said Act, Special Sewer Rates not exceeding *Sixpence* in the Pound per Annum of the yearly Rent or Value of such Premises, and which Special Sewer Rates shall be assessed and levied along with and in the same Manner as the General Assessments authorized to be levied under the said Act; and all the Powers and Provisions of the said Act with respect to the assessing, levying, and recovering of such General Assessments are hereby made applicable to the assessing, levying, and recovering of the said Special Sewer Rates, in the same Manner, and as fully and effectually to all Intents and Purposes, as if such Powers and Provisions had been herein re-enacted: Provided always, that such Special Sewer Rates and the General Sewer Rates by the said Act authorized to be levied shall be assessed separately for each Drainage District, and separate Accounts thereof shall be kept; and the said Rates shall be applied in each Drainage District as provided by the said Act and this Act.

LXII. It

Power to borrow Money for the Construction of Sewers.

LXII. It shall be lawful for the Commissioners to borrow for the Purpose of making, enlarging, or re-constructing Sewers, and on the Security of the said Special Sewer Rates and General Sewer Rates, such Sums of Money, and at such Times, as the Commissioners shall deem necessary for that Purpose, and to assign the said Special Sewer Rates and General Sewer Rates in Security of the Money to be so borrowed; and the Provisions of the said Act with respect to the borrowing of Money and the granting of Bonds therefor, and the Transference and recording of such Bonds, shall be applicable to the borrowing of Money for the Purpose of making, enlarging, or re-constructing Sewers; and the Bonds to be granted under the Powers of the said Act and this Act for the Money so to be borrowed shall, mutatis mutandis, be in the Form, as near as may be, set forth in the said Act, and shall form a Lien on the Special Sewer Rates and General Sewer Rates thereby assigned, and shall entitle the Creditors to recover the Contents thereof from the Commissioners and their Officers out of the first and readiest of the said Special and General Sewer Rates.

Application of Money borrowed for constructing Sewers.

LXIII. The Money borrowed for the Construction of Sewers as aforesaid shall be applied wholly in defraying the Expense of making, enlarging, or re-constructing Sewers, and to no other Purpose whatsoever; and the Special and General Sewer Rates shall not be liable for nor be assigned in Security of the Payment of any Sums borrowed by the Commissioners for any other Purpose than the making, Enlargement, or Re-construction of Sewers.

Sinking Fund to pay off Money borrowed for constructing Sewers.

LXIV. It shall be lawful for the Commissioners and they are hereby required annually to levy from all Occupiers of Premises in each Drainage District, along with and as Part of such Special Sewer Rates and General Sewer Rates, such additional Assessment beyond the Sum necessary for paying the Interest on Money borrowed for the Purpose of defraying the Expense of making, enlarging, or re-constructing Sewers, and the current Expense of maintaining the same, as will produce a Fund equal to *Five Pounds* per Annum upon the Sum so borrowed, which Fund the Commissioners shall annually set apart and invest, at the highest Rate of Interest which can be had for the same, in the Public Funds or in any chartered or other Bank in Scotland, or on Heritable Security, as a Sinking Fund applicable and to be applied by the Commissioners from Time to Time to the Repayment of the Money so borrowed, until the Debt shall be extinguished: Provided always, that the Commissioners shall not include any Money borrowed for the Purposes of making, enlarging, or re-constructing Sewers, in fixing the Amount of the additional

Assessment to be levied by them under Section Three hundred and forty of the said Act.

Streets to be paved and flagged by Owners of Property abutting thereon.

LXV. The Two hundred and thirteenth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That if any Street have not before the Adoption of the said Act been well and sufficiently paved and flagged or otherwise made good, the Commissioners may require the Owners of the Lands abutting on such Street to cause such Street or the Parts thereof not so paved and flagged or otherwise made good to be paved and flagged or otherwise made good, in such Manner as the Commissioners shall direct; and in the event of such Owners not complying with such Requisition within *One Month* after Notice in Writing has been given to them by the Commissioners, it shall be lawful for the Commissioners to cause such Street or the Parts thereof not so paved or flagged or otherwise made good to be paved or flagged or otherwise made good in such Manner as they shall think fit, and the Expenses incurred by the Commissioners in respect thereof shall be repaid to them by the Owners of the Lands abutting on such Street or such Parts thereof as have not been theretofore well and sufficiently paved or flagged or otherwise made good; and the Provisions and Enactments of the said Act with respect to ensuring the Execution of the Works thereby required to be done by Owners or Occupiers shall apply to the Execution of all Works required to be done, and the Recovery of all Expenses incurred by the Commissioners with respect to the paving, flagging, or otherwise making good such Street under the Provisions of this Act; and such Street shall thereafter be repaired by the Commissioners out of the Assessments levied under the said Act.

Period of Imprisonment for Offences and for Default in paying Penalties and finding Caution.

LXVI. It shall be lawful for the Magistrate to sentence any Person convicted of any Offence under the said Act to Imprisonment for any Period not exceeding *Sixty* Days; and in case any pecuniary Penalty imposed on any Person convicted of an Offence under the said Act be not immediately paid or consigned, or in case Caution for good Behaviour or for keeping the Peace, authorized by the said Act to be required, be not found in manner therein mentioned, it shall be lawful for the Magistrate to sentence the Person ordered to pay such Penalty or find such Caution to be imprisoned till such Penalty be paid or such Caution be found; but the Period of Imprisonment in respect of Default in paying such Penalty or finding such Caution shall not exceed *Sixty* Days, and the whole Period of Imprisonment in respect of the Offence and of such Default shall in no case exceed *Ninety* Days.

LXVII. It

Sheriff may fix Boundaries of non-agricultural Part of Burgh.

LXVII. It shall be lawful for any Owner or Occupier liable to Assessment in respect of Property situated within the Limits of any Burgh under the said recited Act, but which Property is used wholly or in part for Agricultural Purposes, to present a Petition to the Sheriff praying to have such Property or Part thereof found to be agricultural, and to be liable for Assessment, for the Purposes of the said Act, at reduced Rates, and the Sheriff shall thereupon order Service of the Petition to be made on the Commissioners on an Induciæ of *Ten* Days, and shall thereafter hear the Parties and decern as shall seem to him just: Provided, that if it shall seem to the Sheriff on such Hearing that other Properties contiguous to that in respect of which the Petition was presented are similarly circumstanced, it shall be lawful for the Sheriff to pronounce an Interlocutor to that Effect, and to order Intimation thereof to be made to the Owners of such Properties and to the Commissioners, and by Advertisement in the Newspapers of most Circulation in the Burgh; and such Intimation shall set forth the Day on which Parties will be heard, being not less than *Ten* Days after the Date of Intimation, and on hearing Parties the Sheriff may declare that Line passing through such Properties or Part thereof shall be the Boundary of the Burgh, in so far as respects Assessments to the full Extent authorized by the said Act, and that beyond such Boundary, and within the Limits of the Burgh under the said Act, such Assessments shall be leviable in such Proportion only of the Rates imposed for the Time being for each Purpose respectively upon the rest of the Burgh or that District thereof within which they lie, as shall seem to him just, and such Decree shall receive Effect as if the same were herein enacted.

Procedure before Sheriff.

Recal of Interlocutor.

LXVIII. The Sheriff may hear Evidence in support of the Allegations of either Party at the Hearing, and shall take Notes thereof, and continue the Case when necessary, but no written Pleadings shall be allowed; and the Interlocutor of the Sheriff Substitute fixing or refusing to fix such Boundary as aforesaid, or decerning in Terms of or dismissing the Petition, shall be subject to Review by the Sheriff, provided a Note of Appeal be lodged with the Sheriff Clerk within *Eight* Days of its Date, which Note, together with the Process shall be forthwith transmitted by him to the Sheriff, and his Decision shall be final: Provided, that where any such Boundary Line has been drawn or any Property exempted from the full Rates of Assessment as aforesaid, it shall be lawful for the Commissioners to present a Petition praying to have the same recalled or altered; and it shall be lawful for the Sheriff, after Intimation as aforesaid and hearing Parties, to continue, alter, or recal such Interlocutor as may seem to him just: Provided always, that no Petition for the Exemption

tion of any Lands as aforesaid, or for the Recal or Alteration of any Interlocutor, shall be competent till after the Lapse of *Five* Years from the Date of the last Interlocutor in respect of the same Lands.

This Act to be Part of former Act.

LXIX. This Act, in so far as it amends the said recited Act, shall be construed as if it were Part thereof, and shall repeal the said recited Act in so far only as is necessary to give Effect to the Provisions of this Act.

SCHE-

SCHEDULE OF FORMS.

Form (A.)

Order of Justice of Peace for Admission of local Authority or their Officer to inspect private Premises.

Whereas [*describe the local Authority*] have by their Officer [*naming him*] made Application to me, *A.B.*, One of Her Majesty's Justices of the Peace having Jurisdiction in [*describe the Place*], stating on Oath their [*or* his] Belief that a Nuisance, within the Meaning of the Nuisances Removal, &c., and Police of Towns (Scotland) Act, 1855, exists in private Premises at [*describe Situation of Premises so as to identify them*, within my Jurisdiction], and that Demand of Admission to such Premises for the Inspection thereof has been duly made under the said Act, and refused:

Therefore, I hereby require you to admit the said [*name the local Authority*], [*or* the Officer of the said (*local Authority*)] for the Purpose of inspecting the said Premises.

Dated this Day of 18 .

A.B.

Form (B.)

Notice of Nuisance.

To the Town Council of the [Burgh] of
or To the Nuisances Removal Committee of *or*
To the Parochial Board of the Parish of in the
County of [*as the Case may be*].

We [*or* I], the undersigned Inhabitant Householders, [Sanitary Inspector *or other Officer* (describing him), of the Parish *or* Burgh of], do hereby give you Notice, That to the best of our [*or* my] Knowledge and Belief there exists in the [*Dwelling House, Yard, etc., as the Case may be*] and Premises situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under the Nuisances Removal, &c., and Police of Towns (Scotland) Act, 1855, the following Nuisance, videlicet, [*describing the Nuisance, as the Case may be; for instance*, the Dwelling House or Building at No. aforesaid is without a Privy *or* Drain *or* sufficient Means of Ventilation, *or* is unsafe, *or* in such a

filthy or such an unwholesome Condition, *or* so out of repair, *or* there is a foul of offensive Ditch, *or* Drain, *or* such an Accumulation of , *&c.*, *or* Swine so kept as to be injurious to Health]; and that such Nuisance is caused or permitted to continue by [*naming the Person by whose Act or Default, or* by some Person unknown].

Day of One thousand eight hundred and

[*Signed by Complainant or Complainants.*]

FORM (C.)

Certificate of Nuisance.

To the Town Council, *&c.* [*as in the Form of Notice*].

I, the undersigned, being Medical Officer of the under-mentioned Parish of , do hereby certify to you, That to the best of my Knowledge and Belief there exists in the Premises [Dwelling House, *or* Yard, *&c.*] situate at No. in Street [*or such other Description as may be sufficient to identify the Premises*] in the Parish of in your District, under the Nuisances Removal, &c., and Police of Towns (Scotland) Act, 1855, the following Nuisance [*describing the Nuisance, as the Case may be,*] cognizable under that Act.

Day of One thousand eight hundred and

A.B.

FORM (D.)

Order to permit Execution of Works by Owners.

WHEREAS Complaint hath been made to me *E.F.*, Esquire, One of Her Majesty's Justices of the Peace for the County [*or* Burgh, *&c.*] of by *A.B.*, Owner within the Meaning of the "Nuisances Removal, &c., and Police of Towns (Scotland) Act, 1855," that *C.D.*, the Occupier of a Dwelling House [*or* Building, *or as the Case may be*], situate [*insert such a Description of the Premises as may be sufficient to identify them*], in the Parish of in the said County [*or* Burgh, *&c.*, prevents the said *A.B.* from obeying and carrying into effect the Provisions of the said Act, videlicet, [*here describe the Works generally according to the Circumstances; for instance, thus,*] cleansing *or* whitewashing *or* purifying the said Dwelling

Dwelling House [*or* Building], *or* erecting a Privy *or* Drain, *or* breaking an Aperture for Ventilation, *or* cleansing a foul and offensive Drain, [Ditch, Gutter, Privy, Cesspool, *or* Ashpit]: and not having shown sufficient Cause against the same, and it appearing to me that the said Works are necessary for the Purpose of enabling the said *A.B.*, to obey and carry the same into effect, I therefore hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the Manner required by the said Act.

(Date.) *E.F.*

FORM E.

STATEMENT of Particulars required under s. 62. of the Nuisances Removal, &c. and Police of Towns (Scotland) Act for the Year ending 31st December 18 for the [Burgh, District, *or* Parish] of

Length of open Ditches or Watercourses into which Sewage flows.	No. of Houses draining into such Ditches, &c.	Length of such open Ditches, &c. covered or otherwise improved last Year.	Manner in which done.	Cost thereof.	No. of Houses draining into the same.	Total Length of Covered Sewers.	No. of Houses draining into the same.	Total Length of Common House Drains.	No. of Houses drained by the same.	Total No. of Houses in District.	Amount assessed under s.	Number of Houses on which assessed.	Rate of Assessment on Rental of each House.	Period for which Rate is to last.	Total Rental of District.	REMARKS.

A.B., Chairman of local Authority.

FORM F.

STATEMENT of Proceedings taken for or in regard to Nuisances during the Year ending 31st December 185 .

Locality of Nuisance.	Nature of Nuisance.	Owner of Premises.	Occupier of Premises.	Author of Nuisance.	Date of Notice.	By whom Notice given.	Date of Inspection.	Proceedings taken.	Date of Decree.	Nature of Decree.	Date of complete Implement of Decree.	REMARKS.	No. of Common Lodging Houses registered.	No. of Convictions of Keepers of Common Lodging Houses.

Nuisances Removal, &c. and Police of Towns.

(Scotland.)

A

BILL

To consolidate and amend the Laws relating to the Removal of Nuisances and Prevention of Diseases, and to make further Provision in respect of the Police of Towns, in Scotland.

(Prepared and brought in by The Lord Advocate and Viscount Duncan.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1855.

[Bill 282.]

Under 4 *oz.*